

504. Also, memorial of the Pennsylvania State Beekeepers' Association, in annual meeting, January 23, 1929, strenuously opposing all changes that impair the integrity of the United States pure food laws, and having especial reference to House bill 2154 and Senate bill 685, Seventy-first Congress; to the Committee on Agriculture.

505. Also, memorial of South Easton Council, No. 590, Fraternal Patriotic Americans, Easton, Pa., protesting against any repeal of the national-origins provision of the 1924 immigration law; to the Committee on Immigration and Naturalization.

506. By Mr. CULLEN: Resolution of the Chamber of Commerce of the United States, requesting recognition by Congress of the national interest in the forest resources of the country, and that the program approved by Congress last year in regard to making an investigation should be placed in effect at once through substantial appropriations; to the Committee on Agriculture.

507. Also; petition of the Maritime Association of the Port of New York, respectfully protesting against the advancement of House bill 121 as being destructive rather than constructive legislation, containing as it does provisions that are most drastic in their application, if, indeed, they are not impossible to comply with under present conditions in the trade; to the Committee on the Merchant Marine and Fisheries.

508. Also, petition of the New York State Association of Manufacturing Retail Bakers, deprecating efforts made in Congress, as set forth in pending tariff legislation, to increase the cost of foodstuffs to the American public by higher tariff on raw materials entering into the cost of foodstuffs; to the Committee on Ways and Means.

509. By Mr. GARBER of Oklahoma: Petition of the Wallpaper Importers' Association, in regard to the proposed rates on wall paper; to the Committee on Ways and Means.

510. Also, petition of W. E. Miller, general manager Coignet Chemical Products Co. (Inc.), New York City, opposing additional protection to gelatines and glues; to the Committee on Ways and Means.

511. By Mr. GREGORY: Petition of A. D. Thompson and other citizens of Marshall County, Ky., urging the enactment of a law authorizing payment of pensions to widows and dependents of veterans of the World War who are not now entitled to receive dependency compensation; to the Committee on Pensions.

512. By Mr. McCORMACK of Massachusetts: Petition of the Charitable Irish Society, John J. Keenan, secretary, 615 Scollay Building, 40 Court Street, Boston, Mass., unanimously urging repeal or postponement of the so-called national-origins clause in the immigration act; to the Committee on Immigration and Naturalization.

SENATE

SATURDAY, May 25, 1929

(Legislative day of Thursday, May 16, 1929)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. JOHNSON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Fess	Johnson	Sheppard
Barkley	Fletcher	Jones	Shortridge
Bingham	Frazier	Kean	Simmons
Black	George	Kendrick	Smith
Blaine	Gillett	Keyes	Smoot
Blease	Glass	King	Stephens
Borah	Glenn	La Follette	Swanson
Bratton	Goff	McKellar	Thomas, Idaho
Brookhart	Goldsborough	McMaster	Thomas, Okla.
Broussard	Gould	McNary	Trammell
Burton	Greene	Norbeck	Tydings
Capper	Hale	Norris	Vandenberg
Caraway	Harris	Nye	Walcott
Connally	Harrison	Oddie	Walsh, Mass.
Copeland	Hastings	Overman	Walsh, Mont.
Couzens	Hatfield	Patterson	Warren
Cutting	Hawes	Pine	Waterman
Dale	Hayden	Pittman	Watson
Deneen	Hebert	Reed	Wheeler
Dill	Heflin	Robinson, Ind.	
Edge	Howell	Sackett	

Mr. HAYDEN. My colleague the senior Senator from Arizona [Mr. ASHURST] is absent on account of illness. I will let this announcement stand for the day.

The VICE PRESIDENT. Eighty-two Senators have answered to their names. A quorum is present.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the Speaker had

affixed his signature to the enrolled bill (S. 616) to authorize the Secretary of War to lend War Department equipment for use at the world jamboree of the Boy Scouts of America, and it was signed by the Vice President.

DISTRICT OF COLUMBIA AIRPORT FACILITIES (S. DOC. NO. 13)

Mr. BINGHAM, from the Joint Commission on Airports, submitted, pursuant to law, a preliminary report relative to the matter of airport facilities for the National Capital and the District of Columbia, which was ordered to be printed, and to be printed in the RECORD, as follows:

The Joint Commission on Airports created under the authority of Public Resolution No. 106, Seventieth Congress, approved March 4, 1929, presents the following in the nature of a preliminary report:

The commission organized on March 6, 1929, and proceeded to consider the problem of formulating recommendations to Congress for providing the National Capital and the District of Columbia with adequate airport facilities. At the outset of its deliberations the joint commission, upon an expression of opinion on the part of its members, declared itself to be a unit in the conviction that these facilities should be not only sufficient for present and anticipated aviation needs so as to serve Washington's maximum requirements but also of an extent and completeness that should reflect the Capital's national leadership and become a model for other cities in their development of municipal aids to aviation.

As a preliminary step to that end, the commission solicited and readily obtained assurance of cooperation from the various governmental departments concerned as well as from the government of the District of Columbia, and the National Capital Park and Planning Commission—an assurance that, the commission is happy to acknowledge, has been abundantly fulfilled.

In order that the board might be in possession of expert opinion and advice bearing on its problem, a series of public hearings was inaugurated, which extended over a period from April 8 to 30, 1929, and brought together a notable coterie of foremost airport engineers and aviation experts, including the managers of the Cleveland, Buffalo, and Ford Airports; the chief engineer of the city of Baltimore; Assistant Secretaries for Aviation in the War, Navy, and Commerce Departments; noted fliers of those governmental branches and of the air mail; and last, but by no means least in imparting worthwhile information, Col. Charles A. Lindbergh. The statements of these and other witnesses before the board are embodied in a volume of hearings comprising 196 pages, that has been pronounced by persons qualified to judge to be a very satisfactory compendium of information on the subject of municipal airports.

Coincidental with the assembling of these data, the joint commission has been making, and is still engaged in, a study of available sites for an airport in the vicinity of the Capital City, and in this investigation has had the benefit of the technical knowledge of requirements and the engineering training possessed by Maj. Donald A. Davison, the assistant engineer commissioner of the District of Columbia, and Maj. Carey H. Brown, Assistant Director of Public Buildings and Public Parks of the National Capital.

These suggested sites number more than a score, many of them possessing advantages of one nature or another, but not all of them by any means suited to the needs of the Capital in this respect. Various factors entering into the solution of the problem must be and are being studied, such as distance from the civic and business center of the city, accessibility by highways and means of overland transportation, altitude, contour of ground, drainage, the prevalence of fog, and situation respecting prevailing wind directions, together with the cost of land and the probable expense of grading and development.

The joint commission is still at work on this many-sided inquiry, and is unable to submit a circumstantial report until more is learned about properties available for airport purposes and the cost thereof.

Believing that the most economical method of procedure, and the course best suited to the interests of all concerned, is to authorize the National Capital Park and Planning Commission to acquire lands for airport purposes, or options for such purchase, subject to the approval of this joint commission, the commission recommends legislation making an appropriation of \$500,000 for that purpose, and suggests the immediate passage of the following joint resolution:

Joint resolution making an appropriation for the acquisition of lands for an airport or airports for the National Capital and the District of Columbia

Resolved, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$500,000, to be immediately available and to remain available until expended, for the acquisition by the National Capital Park and Planning Commission, subject to the approval of the Joint Commission on Airports, of lands, and/or options to purchase lands, for an airport or airports adequate for the needs of the National Capital and the District of Columbia.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. THOMAS of Oklahoma:

A bill (S. 1275) granting an increase of pension to Rhoda Bennett (with accompanying papers); to the Committee on Pensions.

By Mr. BLEASE:

A bill (S. 1276) for the relief of the Washington Street Methodist Episcopal Church South, of Columbia, S. C.; and

A bill (S. 1277) for the relief of the Ladies' Ursuline Community of Columbia, at Columbia, S. C.; to the Committee on Claims.

A bill (S. 1278) to authorize the issuance of certificates of admission to aliens, and for other purposes; to the Committee on Immigration.

A bill (S. 1279) to regulate the voting of aliens who become American citizens; to the Committee on the Judiciary.

By Mr. JOHNSON:

A bill (S. 1280) for the relief of Edward Dietrich; to the Committee on Finance.

A bill (S. 1281) for the relief of Darby M. Callaway; and

A bill (S. 1282) for the relief of Harry R. Neilson; to the Committee on Naval Affairs.

A bill (S. 1283) for the relief of Hobart M. Hicks;

A bill (S. 1284) authorizing the President to reappoint Maj. James S. Greene, United States Army (retired), to the active list of the Army;

A bill (S. 1285) providing for the advancement of Michael Holub on the retired list of the Army;

A bill (S. 1286) authorizing the Secretary of War to issue a certificate of honorable discharge to Carl J. Canada;

A bill (S. 1287) for the relief of Elmer E. C. Armstrong;

A bill (S. 1288) for the relief of William Goodwin; and

A bill (S. 1289) for the relief of John D. Miller; to the Committee on Military Affairs.

By Mr. HATFIELD:

A bill (S. 1290) granting a pension to John Cook; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 1291) for the relief of J. A. Sutherland; and

A bill (S. 1292) for the relief of B. W. Stephens; to the Committee on Claims.

By Mr. ROBINSON of Indiana:

A bill (S. 1293) to amend an act entitled "An act to increase the pensions of certain maimed veterans who have lost limbs or have been totally disabled in the same, in line of duty, in the military or naval service of the United States; and to amend section 4788 of the Revised Statutes of the United States by increasing the rates therein for artificial limbs," approved February 11, 1927 (U. S. C. supp. 1, title 38, sec. 168a);

A bill (S. 1294) granting an increase of pension to John O. White; and

A bill (S. 1295) granting an increase of pension to Della Coffman; to the Committee on Pensions.

By Mr. SMOOT:

A joint resolution (S. J. Res. 46) authorizing the postponement of the date of maturity of the principal of the indebtedness of the French Republic to the United States in respect of the purchase of surplus war supplies; to the Committee on Finance.

AMENDMENTS TO CENSUS AND APPOINTMENT BILL

Mr. BLEASE submitted two amendments intended to be proposed by him to the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress, which were ordered to lie on the table and to be printed.

Mr. NORBECK submitted an amendment intended to be proposed by him to Senate bill 312, the census and apportionment bill, which was ordered to lie on the table and to be printed.

CLAIMS COMMISSIONS WITH MEXICO

Mr. BORAH. Mr. President, I send to the desk a resolution which I offer, and I ask for its immediate consideration. If it leads to any discussion, I shall withdraw the request.

The VICE PRESIDENT. The resolution will be read.

Mr. BORAH. There is no need to read the whereases. I may say it is a resolution requesting the President to negotiate an agreement for an extension of the time in which claimants can file claims under the treaty with Mexico.

The VICE PRESIDENT. Is there objection?

Mr. DILL. Mr. President, before the resolution is adopted it ought to be read. I ask for the reading of the resolution.

The VICE PRESIDENT. The clerk will read the resolution.

The resolution (S. Res. 73) was read, considered by unanimous consent, and agreed to, as follows:

Whereas it is provided by Article I of the convention concluded between the United States and Mexico on August 16, 1927, extending the duration of the General Claims Commission provided for in the conven-

tion of September 8, 1923, that "the term assigned by Article VI of the convention of September 8, 1923, for the hearing, examination, and decision of claims for loss or damage accruing prior to September 8, 1923, shall be, and the same hereby is, extended for a time not exceeding two years from August 30, 1927, the day when, pursuant to the provisions of the said Article VI, the functions of the said commission would terminate in respect of such claims"; and

Whereas it is further provided by Article I of the convention of August 16, 1927, that "during such extended term the commission shall also be bound to hear, examine, and decide all claims for loss or damage accruing between September 8, 1923, and August 30, 1927, inclusive, and filed with the commission not later than August 30, 1927"; and

Whereas it is provided by Article VII of the special claims convention concluded between the United States and Mexico on September 10, 1923, that the commission created pursuant thereto to pass on claims to which the convention relates "shall be bound to hear, examine, and decide, within five years from the date of its first meeting, all the claims filed"; and

Whereas by the terms of the said Article VII of the convention of September 10, 1923, the functions of the said commission would terminate in respect to such claims on August 17, 1929; and

Whereas it has been brought to the knowledge of the Senate that it will not be possible for the said commissions to hear, examine, and decide in the manner contemplated by the said conventions, within the times specified therein, all the claims which have been filed with said commissions in accordance with the terms of the conventions; and

Whereas it is in the interest of both Governments fully to hear, judicially determine, and settle all such claims: Therefore be it

Resolved, That the President is requested, in his discretion, to negotiate and conclude with the Mexican Government such agreement or agreements as may be necessary and appropriate for the further extension of the duration of the General Claims Commission provided for by the convention of September 8, 1923, and of the Special Claims Commission provided for by the convention of September 10, 1923, between the United States and Mexico, in order to permit of the hearing, examination, and decision of all claims within the jurisdiction of said commissions under the terms of said conventions, and to make such further arrangement as in his judgment may be deemed appropriate for the expeditious adjudication of said claims.

The preamble was agreed to.

CONSIDERATION OF NOMINATIONS IN OPEN SESSION

Mr. CONNALLY submitted the following resolution (S. Res. 74), which was referred to the Committee on Rules:

Resolved, That paragraph 2 of Rule XXXVIII of the Rules of the Senate be, and the same is hereby, amended to read as follows:

"All nominations shall be considered by the Senate in open session except that in any case the Senate may by a two-thirds vote consider a nomination in secret session. In such an event all information communicated or remarks made by a Senator when acting upon nominations concerning the character or qualifications of the person nominated, also all votes upon any nomination, shall be kept secret. If, however, charges shall be made against a person nominated the committee may, in its discretion, notify such nominee thereof, but the name of the person making such charges shall not be disclosed. The fact that a nomination has been made, or that it has been confirmed or rejected, shall not be regarded as a secret."

NATIONAL-ORIGINS CLAUSE OF THE IMMIGRATION ACT

Mr. KEYES. Mr. President, the Senator from Pennsylvania [Mr. REED] recently delivered a very interesting address over the radio on the national-origins provision of the immigration law. I ask unanimous consent that it may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The address is as follows:

In recent months our newspapers have printed many dispatches from Washington telling of the controversy over the national-origins clause of the immigration law. But I have been surprised to discover how little the proposition is understood. To my mind the whole future of America depends upon the preservation of a sound immigration policy and that is my excuse for the brief talk that I am giving this evening.

As you know, we have been limiting immigration throughout the past eight years and we must continue to limit it unless we are willing to see a great increase in unemployment. Our population is sufficiently large to develop our country and carry on its industry, and any considerable increase in population through immigration is bound to have an ill effect on American wages and American standards of living. America to-day is the magnet that attracts people from every land, and unless we maintain our immigration policy the number of newcomers will be limited only by the number of ships that sail the ocean. I believe that the policy of restriction has been approved by the sober judgment of our people and that we must do all in our power to sustain it.

If then we are going to hold immigration down to a limited number of persons, the question arises at once, How we are going to apportion that number among the millions of persons who desire to come.

As a temporary expedient we have been dividing the number up into immigration quotas for the various countries first in proportion to the number of foreign-born persons who were tabulated in the census of 1910 and later according to the foreign-born persons tabulated in the census of 1890. As a temporary expedient this was perhaps well enough, but it seems obvious to me that it should not be used permanently, because it ignores all of us who were born in this country; and surely we have as much right to be considered in the make-up of the quotas as has the most recently arrived unnaturalized European. And so in 1924 Congress provided that the experts of the Census Bureau, of the State Department, and the Department of Commerce should make a study of the national origins of the whole white population of the United States and that when that study had been completed the immigration quotas should be divided in accordance with the findings of these experts. For five years their study has continued and has now been completed. Of course, they have not tried to trace back the ancestors of particular individuals, but they have used all the population figures of every census, they have taken our immigration records as far back as we have any record of immigration, they have studied the make-up of our population in the Colonial period, have studied the foreign statistics of emigration from many European lands and their report is made with confidence in its accuracy. It is not simply based on the census of 1790 as some of its critics have mistakenly said. It takes all the facts there are and then apportions the new quotas in strict accordance with our racial make-up. It will go into effect on the 1st day of next July. It seems to me to be obvious that this method is the fairest that has been suggested. It means that each of us has exactly the same representation in the quota. It does not assume that one of us is better than another. It means that each year's immigration will be in miniature a counterpart of the whole population of our country. In other words America has decided that it will not permit its racial composition to be changed by immigration. We are strong enough to prevent our land from being conquered in war time, our duty now is to prevent its being invaded and dominated by peace-time immigration.

I have tried to describe what the national origins system is, now let me say a word about the controversy which rages around it. Obviously under the temporary method of apportioning the quotas according to the foreign born only, some nations were bound to get more than their share, according to the particular census that we were using. The nationals which get more than their fair share are, of course, reluctant to see that advantage disappear, and it is from the people of these groups that the whole of this agitation against national origins has sprung. For example, we know that 17 per cent of our population is of German origin. That is the figure that they themselves have claimed and that is the figure arrived at by the experts of the quota board. In fairness, Germany should then have 17 per cent of each year's immigration, but inasmuch as she now has 31 per cent under the temporary foreign-born method, the German group throughout the United States and the German steamship companies have stirred up a tremendous pressure upon Congress and the President to continue the present system. All of us, I think, recognize that the immigration we get from Germany is of excellent quality, and I am sure that we do not want to discriminate against them, but surely there can be no justification for continuing in their favor a system which gives such disproportionate results and is justly subject to the charge of unfairness by other nations. There is no time to-night to go into detail as to the character of the opposition to the law, the motives which prompt it, and the methods employed to defeat the national-origins clause. It can be demonstrated, however, that the opposition is due almost entirely to alien viewpoints, alien influences, and alien sympathies, masquerading in various guises and able to exert an enormous political pressure. If it were not for political expediency and the assumed necessity of catering to hyphenate groups in our present population, there would be no thought now of repealing the law. This is something that every American should clearly understand.

The pressure for the repeal of this law comes not from Americans but from those whose first loyalty is to some other country than this or who, at best, possess a divided allegiance. Nations may be destroyed in one of two ways—from within or from without. We are too strong to be attacked from without, even if there were those who would like to attack us. Our danger lies within, and it is to prevent it from becoming serious and actually threatening our institutions that Congress wisely has said, first, that immigration shall be restricted; and second, that it shall be restricted in such a manner as to preserve our present racial balance while we attempt to assimilate the alien elements now in our midst.

That is what the national origins law does, and all it does. It apportions to each European nation a share of our annual immigration equal to its proportionate representation in our total population. It says to the Germans, "Your predecessors and their descendants account for 17 per cent of our entire white population. Therefore you shall have 17 per cent of our immigration." To the inhabitants of England, Scotland, Wales, and Northern Ireland it says, "You shall have 42 per cent

of our immigration, because 42 per cent of our own people are of the same stock." Similarly with the Irish Free State, which will have 12 per cent of our annual immigration; and the Scandinavian countries and Russia and Poland and Yugoslavia and Czechoslovakia and Italy and all the countries of southeastern Europe—each will be represented in the exact proportion of its representation in our present population, as ascertained by scientists and experts working under the direction of the Council of Learned Societies and by authority of Congress.

We do not say, "This racial stock is better than that." We do not pass judgment on the relative merits of national groups. We simply say, "This is our present situation; this is what we have now. Let us hold what we have and give everybody equal representation in our future immigration until we see where we come out."

We have learned by experience that the process of Americanization is not completed when the immigrant learns our language, nor even when he completes his citizenship. It takes a new viewpoint, a new loyalty, a new faith in the country to which our friends from across the Atlantic come to better their condition. Unless their change of residence results likewise in a change of allegiance, to the extent that they learn to think and act as Americans and not as Europeans domiciled in this country, they are not Americans at all.

Almost 100 patriotic organizations throughout the United States have formally recorded their support of the national origins law. The American Legion is behind it, the Daughters of the Revolution, the Daughters of 1812, and scores of others. They are doing what they can to counteract the hyphenate influences at work to force a repeal of this all-American measure.

But, best of all, these are growing indications that the great mass of Americans, who think more than they talk, have discovered the issue as their own. They have come to see that it touches each home and each individual, and that it will affect in turn their children and all the succeeding generations of those who call themselves Americans.

"THE SENATE AND ITS CRITICS"

Mr. WALSH of Montana. Mr. President, on last evening, Friday, May 24, the junior Senator from Massachusetts [Mr. WALSH] delivered an interesting address on the subject, *The Senate and its Critics*. The address was delivered over a coast-to-coast hook-up of the National Broadcasting Co., and is of particular interest to the Members of the Senate and the public in view of its analysis of the present-day criticism of the Senate and the sources of the same. I ask that it be printed in the CONGRESSIONAL RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. Senator WALSH of Massachusetts spoke as follows:

Whenever the Senate gets into a "jam" over a national issue of some sort there is immediately a chorus of abuse from different corners of the country. "A bunch of wild radicals," shout some easterners. "The Senate is a millionaire's club," shouts back a westerner, and both sigh for the good old days when Senators were Senators.

The critics of the Senate have not found adjectives denunciatory enough to use in their characterizations of it. A surprisingly large number of people, including a substantial portion of the press, enjoy baying and yelping at the Senate. It has gone on for years, beginning, it seems to me, about the time of the prolonged fight in the Senate for the ratification of the World War peace treaty and the League of Nations covenant. Such terms as "our sinful Senate," "the radical Senate," "the inquisitorial Senate," "the rebellious Senate," and similar phrases only mildly express the terms employed. Its actions have been dubbed "political log rolling," "legislative obstruction," "knifing the President," and similar terms. One ought to be thankful, however, that the term "rubber stamp" is never applied to the Senate.

IS THE SENATE REALLY DETERIORATING?

No one, of course, will argue that the Senate has deteriorated simply because statistics show a smaller percentage of millionaires than used to sit and deliberate in that body. But what other idea can be in the minds of the propagandists who are subtly seeking to spread the notion among the unthinking—among those who are so gullible as to accept hand-me-down opinions and prejudices without examination—that the Senate is not the splendid body of statesmen that it used to be?

The propagandists imply that the Senate has deteriorated. Has it? Yes; if the measure by which you judge the value and usefulness of a legislative body is the wealth of its Members.

Has the Senate deteriorated? Yes; if the measure by which you estimate a legislative body is the personal record of its Members as attorneys for large interests before entering public life.

Has the Senate deteriorated? Possibly, if culture and social refinement and the little personal graces that are frequently, but not always, bred in aristocratic surroundings, constitute your test.

Certainly there is more political independence in the Senate to-day than formerly. Fewer men are bound by party dictation. Some argue that this is unfortunate. I do not.

Shall the elected representatives of the people slavishly follow political leadership, which is often subordinated to selfish interests, or shall they have the gumption to exercise their own judgment? Unless the public insist that their servants be left free to guard the public interests as their judgment and conscience dictate, what will be the result?

Once individual conscience is discarded the public servant becomes either a political automaton or the mere foil of sinister forces which are most proficient in the art of peddling propaganda. There is nothing more pathetic in the Senate than to see these men whom their colleagues recognize as mere dupes, men who from the beginning to the end of their careers do nothing except to answer the signal of the party bell ringer.

MORAL SERIOUSNESS THE REAL TEST

In my opinion there is only one test that it is fair to apply in determining whether the Senate is or is not deteriorating. That test is the moral seriousness of its Members. After all, the only reliable standard to measure the Senate by is not whether the Members are obedient to party leadership nor the cultural or social or financial standing of the Senators, but that moral seriousness which includes industry, courage, integrity, and a serious consciousness of the grave responsibilities of public service. Measured by this standard the Senate to-day can not be fairly branded "inferior."

THE NEW SENATE

One of the reasons for the propaganda against the Senate, the real reason for the effort to spread the delusion that its personnel has deteriorated since the Senators have been directly elected by the people is the presence in that body to-day of a new, substantial, aggressive, independent, and progressive type and spirit.

Here are men from the very bone and sinew of the various groups that represent the life and soul of America. Great problems, never more difficult of solution, are pressing for adjudication. Who would deny the farmer, the toiler, the consumer, even the so-called "radical," as well as the lawyer, the business man, the manufacturer, the millionaire, a hearing and a representation in the American Senate? Is it not significant that much of the present complaint comes because of the very democratic character of the Senate?

I believe that the Senate should be cosmopolitan in its make-up. From such a representative body, the rights of all are most likely to be safeguarded, whether they are rich or poor, strong or weak.

No political system will insure exact justice at all times between the producer and the consumer, the employer and the employee, the wealthy and the poor, the financial interest and the middle class. But, if the scales of equality and justice can not be balanced, the safety of the Republic, of all society in fact, demands that they tip more easily in favor of those less able to protect themselves. The country has never suffered from such a cause.

THE SENATE DEMOCRATIZED

If the Senate is less dignified, less conservative, less dominated, and less controlled by political party leaders, it is because democracy has made it so.

The militant minority that functions in the Senate more than ever in its history, and as in no other legislative body, is not because of new rules in the Senate, it is because the election of Senators has been taken away from the State legislatures and put in the hands of the voters. It is because the direct election of Senators, plus the elasticity of the Senate rules, has brought the Senate closer to the people. Democracy has transformed the Senate. It possesses no longer the old aristocratic bearing and tendencies. The tiresome, blundering nature of the Senate is evidence of its genuine democracy. Who would change it at the sacrifice of its democratic characteristics?

Yes; the direct primary and the popular election of Senators have tended to make Senators more attentive to what they think to be the will of the people than to any sense of party responsibility. Devotees of party responsibility naturally object to the spirit of independence that leads Senators to concern themselves less and less with party responsibility; but the question is, Do the people really suffer in consequence of this new democracy that has taken possession of the Senate? It is not a case of less autocratic and party responsibility in the Senate but more real democracy.

Let us see what else the democratizing of the Senate has accomplished.

In former days the Senate acted principally as a council of revision, and it did not presume to lead the way in legislation, to determine foreign policy, and to attempt supervision of the Executive. Indeed, its present dominating influence in our governmental systems is in large part responsible for much of the criticism of recent years. Of course, its garrulity, its oceans of speeches, has contributed greatly to the criticism. Personally, while I deplore the awful waste of time and the irrelevancy of much that is said and done in the Senate, I do not consider these major defects.

Organs of government always compete for power and authority. Formerly the House of Representatives was the most influential organ. To-day the struggle is between the Executive and the Senate. If the

trend of America is toward the Mussolini theory, the Executive will win—but is America ready for the decline of legislative government? If so, we have indeed nullified the Constitution more effectively than any advocate of nonenforcement of the eighteenth amendment.

THE RADICALS OF THE SENATE

Those who are assailing the Senate are bitter in their denunciation of the "insurgent bloc" and "the radical bloc."

The classification of Senators as conservatives and radicals is a much misrepresented and a much misunderstood division.

There are no radicals, in the sense of extreme or wild political agitators, in the United States Senate. There are Senators who honestly and sincerely believe that the present economic system is operating to the detriment of the farmers of the West, who believe that discriminatory legislation, in favor of the financial interests in the East, has placed burdens on the farming population of the West that it ought not to bear, who contend that the agricultural producer is overburdened by the extortions of the middlemen and the high cost of transportation.

These Senators were elected to Congress by their constituents who under the Constitution of the United States have the right thus to express their convictions.

What more need be said, in justification of the presence of "irregulars" in the Senate than that the changing economic problems of the country are responsible for their being there?

The East has not appreciated the farmers' problem. It does not understand their psychology.

The agricultural West has sent a new type of Senator to Washington. He represents an economic group that has been hitherto inadequately represented there, and has suffered accordingly. It is all very well to rail against demagogues and economic nostrums, and to say that no Government can make agriculture prosperous. The Western farmer will reply that the Government has given very substantial assistance to the railroads and to the manufacturer.

Upon analysis, much of this abuse of the Senate will be found to originate with those who have looked upon the Senate as their very own, as a body existing exclusively to protect their interests and to advance their private projects, and to ignore the interests of millions of their fellow citizens, interests which in the end are just as important and just as vital to the prosperity and happiness of the country as those of any group.

I see no reason why anyone who believes in democracy should be depressed because the farmers of many Western States are manifesting a new spirit of independence and in some cases are sending to the Senate representatives lacking the cultural resources and the bank rolls of their predecessors. To my mind, this is a sign of the strength of our system of government.

That the western farmers for several years have been suffering acute economic distress can not be disputed. Is it not a healthy development that this economic distress among an important element of our citizenship should find constitutional expression in politics? What if some of the proposed remedies recommended by the new type of Senator from the West do appear unsound? It is much safer for our common country that the discontented farmers should thus express their discontent through political action than remain inarticulate and become in due time the impoverished and embittered followers of really dangerous radicals.

The leader who is really seeking to overthrow our institutions never works in the light. He labors in the dark in fields that have been prepared for him by the blindness of statesmen to the needs of the people.

PARTY LEADERS NATURALLY RESENTFUL

It is natural that an organization Republican should resent the independence of an insurgent Republican. There is this, however, to be said for the latter. He may have been elected by a revolting Republican constituency, a constituency that has rejected the old type of Senator because he appeared to be out of touch with the economic problem of the farmer.

If party labels no longer mean anything to those who are wrestling with new economic problems, that is not the fault of the voter. Lacking a party, an organized medium through which he may express his aspirations, the discontented voter selects an individual candidate, regardless of his party label, as the only instrument at hand. This is the meaning, in my opinion, of the lack of party solidarity and discipline in the Senate.

As for the irregulars in the Senate, my experience has led me to admire the seriousness of purpose, the vigilance in seeking to protect the interests of their constituents and the integrity of most of them. It is not fair to say that they are antagonistic to everything constructive.

THE SENATE VERSUS THE EXECUTIVE

Much of the denunciation of the Senate comes from those groups in this country that, consciously or otherwise, are urging an increase in the powers of the Executive at the expense of the Senate. This is apparent from the propaganda against the Senate urging the ratification of treaties by a majority instead of a two-thirds vote of the Senate; propaganda to amend the rules of the Senate enabling the majority

to cut off debate, and end minority obstruction, so as to speedily pass legislation; propaganda favoring the President being given power to appoint executive officers without the confirmation of the Senate, and much similar propaganda during recent years. Such action will bring the Senate down or up (depending upon one's viewpoint) to the level of the House and permit absolute executive and partisan control.

It is a singular circumstance that, while the country seems to be decidedly opposed to centralization of power at Washington, there is strong propaganda on foot to concentrate Federal authority and power in the hands of the Executive. If this is not a movement from representative democratic government toward bureaucracy, then I know not by what name to call it.

The Senate has differed with the Executive radically in recent years, but the public hear only news of the differences which the Senate has with the Executive. Such is sensational political news. The public rarely hear of the hundreds of times when the Senate and Executive are in accord; the percentage of treaties submitted by the Executive which the Senate fails to ratify, and the percentage of appointments which the Senate fails to confirm without a contest is uniformly infinitesimally small. That there should be an honest and sharp difference between large numbers of individual Senators and the President upon the solution of momentous economic, social, and political questions of the day is to be assumed. Who would have it otherwise?

Let me ask in this connection, What does a Senator owe to the Chief Executive of his own political party? Sympathy and cooperation whenever possible. No Senator owes the abandonment of the political philosophy which he has publicly espoused before election or the surrender of his conscientious convictions of what is best for the country in order to be loyal to his political chief in the White House. No man is worthy of a seat in high place who permits resentment or avarice or fear or flattery to move him.

Servility to any political interest—social, financial, or executive—is just as odious to a real statesman of proper vision as is blind and fanatical personal opposition.

Yet the cowardly, speech-palocked, and vote-controlled Senators are often by the public, and certainly by political organizations, caajoled, given party preferments, and invariably "taken care of" by the Executive after they are repudiated by the people and fail of reelection. I am proud to say that the percentage of this class of Senators is small.

THE INDEPENDENT RECORD

The record of independence of the Senate—that kind of independence which was considered in the old New England town meetings one of the surest safeguards of democracy—has been converted by critics into attempts to belittle or lower the Senate in the estimation of the people.

Some of the most important service which the Senate has rendered to the public and which indicated its independence has been the reason for creating most of its powerful enemies. Disagreement with its militancy is in many instances the real reason for the hostile propaganda being disseminated. It is the independence of the Senate from party subservience that has bared to the country the story of the stolen oil reserves, administrative graft, political corruption, secret tax funds, the abuses caused by the use of excessive campaign funds in bringing about elections to the Senate, the lobby and its evils, propaganda of the power interests, and dozens of other vital measures.

If the Senate had been composed of "yes men" and lacked courage and independence, matters like these, which I admit are of vital interest to the people of a democracy, might never have been exposed.

Yes; the Senate has changed. It is no longer the sedate, dignified, party-controlled ultraconservative body of former days.

It came into existence as a rampart against popular legislative hysteria. This is, indeed, its constitutional obligation. Its rules were constructed to that end—to prevent hasty action.

Furthermore, the Senate is the last citadel of minority rights and the protector of weaker States.

In an age when executive authority is expanding tremendously the Senate is the only safeguard the people have against executive usurpation and bureaucratic tyranny.

DANGERS TO DEMOCRACY

The danger to democratic government has been steadily increased from several directions in recent years. Let me cite a recent example. Altogether apart from the merits or demerits of the flexible provision of the tariff law which gives the President the power to change rates up to 50 per cent, does not the action of the President a few days ago at the very time the Congress is revising the tariff, in raising the duty on window glass, flaxseed, milk, and cream, indicate the continuous concentration of greater powers in the Executive and is not such power a real danger to representative government?

This tariff-making prerogative is only one example, and I cite it because it is a recent example of the steady tendency in the direction of negation of our plan of government. This recent power which has transferred important functions of Congress to the President is a serious departure in the American form of government.

The question is not that one might prefer to trust the President rather than the Congress. The outstanding fact is that this one example, and many others which might be given, of the concentration of greater powers in the executive departments of our Government is tending to destroy the basic safeguards of government by the people. All history teaches that no lasting good has ever come from such a system. Mussolini typifies the system in Europe. Who wants to substitute it for the plan of the framers of the Constitution?

Where is there, outside the Senate, a power in our Government that raises over the desk of every attempt to extend Executive authority the sign, "Stop! Think! Beware! The Senate is still gagless"?

THE SENATE'S WORDAGE OUTPUT

That there is too much speechifying in the Senate must be conceded. Its wordage output is appalling and often nauseating. The spectacle of Senators talking at great length upon questions not before the Senate and of course not at all relevant to the immediate business of the Senate makes one question whether Senatorial privileges and rules are not too extensive. Freedom of speech means one is free to say what he pleases (within, of course, the known limits of libelous and treasonable language), anywhere in the country. If the Senate is to be a last stronghold of free speech and an argument for its exercise, why surrender this right because it is at times flagrantly and disgracefully abused?

Many instances might be cited to prove that the total effect of over-reaching in the Senatorial proprieties of unrestricted debate, has been to do more harm to the "free speech" extremist than to the cause he assailed. Recall what has been the usual political fate of "loose-tongued" statesmen. Senatorial free speech, in other words, but illustrates that every privilege carries its own penalties. But all these are minor defects. The important thing to keep in mind is to prevent the Senate becoming a lock-step partisan-controlled institution and thereby destroy its democracy, which after all is the reason for its shortcomings and mistakes.

THE SENATE VERSUS THE HOUSE

If the epigram is true "that two great natural and historical enemies of all republics are open violence and insidious corruption" what organ in our National Government is by its very structure in a better position to combat "insidious corruption" than the United States Senate?

Have not legislatures in our modern-constituted governments been entrusted with not only the power of legislation, to control expenditures, but likewise to supervise the administration?

With the tremendous extension of the functions of Government and the increase of appointive officials and bureaus, with far-reaching and absolute powers, I submit, only congressional supervision can attempt to cure the ills of executive inefficiency or wrong-doing. There is no greater task for the legislative branch of our Government than to prevent bureaucrats from becoming autocrats, either from devolution of power upon them or because they work in unexamined security. Congress can only, after the bureaus spend the people's money that Congress itself appropriated, force its investigations and semijudicial examinations into corners suspected to be dirty.

Where are these investigations and this criticism to emanate if not the Senate? Party control in the House of Representatives is now so strong as to almost completely shut that body off from any embarrassing inquiry into the executive departments. It is only when the majority in the House and the President belong to different political parties that the executive departments suffer any scrutiny. The control of the House by a group of leaders is so complete that a resolution authorizing an investigation, in order to escape criticism, must pass several lines of defense which the rules of the House have made impregnable. I do not contend that this is necessarily bad, but I do argue that one branch thus organized is enough.

No group of leaders completely holds the Senate in bondage. There is no oligarchical control of it. This is the reason why it runs wild sometimes. The Senate alone is constituted as the organ of our Government which can, regardless of what political party is in control of the executive branches, prevent bureaus from becoming "unsupervised kings."

Grant much time is wasted on irrelevant matter in general; sometimes investigations are mere fishing expeditions and conducted for pleasure. All these evils have frequently been manifested. If the alternative is no inquiry or investigation at all, or inquiry and investigation that may be abused, then the choice must be the latter. Otherwise there is no method by which Congress may perform its duty of preventing the administration of the law and the expenditure of enormous sums of money being either corruptly or incompetently done. As a matter of fact, in my opinion, Senate inquiries are indispensable.

THE SENATE VERSUS BUREAUCRACY

With all its faults, and it has many, and serious shortcomings, yet the Senate is, generally speaking:

(1) The principal, if not the only forum of the Nation where interests are espoused, issues hotly debated, and aspirations are voiced which have no chance of being presented in the House of Representatives.

(2) The principal, if not the only valuable safeguard against executives (which includes, of course, all bureaus and departments), inefficiency, and corruption.

It is because debate is unrestrained, because party ties are less regarded, because independence is assumed, that Senate minorities are able to force some accountability into the rigid irresponsibility of the bureaucratic system so rapidly expanding. The Senate, as at present tempered and with restricted debate, prevents party control becoming a party cloak to effectively conceal what the executive departments desire to conceal.

The issue comes down to this: Do we want to curb the powers or restrict the procedure with more stringent rules of the single American institution that can investigate, scrutinize, and expose the activities of the hundreds of bureaus and the tens of thousands of employees, which in many instances possess the power to make regulations, as important as laws, to declare crimes and penalties, and to spend billions of the people's money? Surely some organ in our Government that is effective, and not a rubber stamp, should serve the people as a safety valve. I submit that the American Senate is the single American institution that is doing it and that can do it. It will blunder, at times its methods of investigation will be wasteful and offensive, all these evils have and will again be abundantly manifested, but what is the alternative?

Safeguards against bureaucratic evils must exist somewhere. An inquiry that is abused is certainly better than no inquiry at all. The abuses in the system of inquiry must be corrected within the Senate, but so long as the Senate itself is neither corrupt nor incompetent there will be a method to expose corruption and incompetency. Elsewhere—if not the Senate, there is no method by which the people can secure from its directly elected representatives responsible and efficient service in bureaus far removed from the people's influence and control.

COMPARISONS WITH THE PAST

It must be remembered, in making comparisons with the past, that the Senate to-day has more problems and problems of greater complexity to be debated, and is more continuously in session than formerly. At the present day a Senator speaks more frequently than the earlier Members of the Senate spoke and has much less time for preparation and the acquirement of a polished and rhetorical style. Hence, it is all the more remarkable that such a scholarly and able critic of the Senate as former Senator Bruce of Maryland should, during his early months in the Senate, again and again express surprise and admiration at the very large number of Senators who could "so clearly and ably express their views on public questions." Anyone who expects a Senate of higher moral seriousness than the recent Senates is looking for the millennium.

THE FUTURE OUTLOOK

I am not sure that the political situation in the Senate does not foreshadow a coming political realignment in this country. I am not sure that it would not be a healthier state of affairs if there were a great conservative party, standing for things as they are, and a great liberal party, constantly seeking to adapt our Government to changing economic and social needs; one party acting as a check on the other. In my opinion, much of the confusion at Washington to-day, including the embarrassment of party leaders by the independence of Senators, is due to the lack of a natural alignment of parties on the basis of economic policy.

NATIONAL-ORIGINS CLAUSE OF THE IMMIGRATION ACT—ADDRESS OF SENATOR HUGO BLACK

Mr. HEFLIN. Mr. President, my colleague, the junior Senator from Alabama [Mr. BLACK], recently delivered over the radio an address on immigration. I ask unanimous consent that it may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. Senator BLACK spoke as follows:

A few days ago the chamber of commerce of a great Texas city broadcast pamphlets throughout the New England States setting forth the superior advantages of their locality for the successful operation of textile mills. One of the chief arguments presented was that inexhaustible supplies of unorganized cheap Mexican labor could be secured. The startling fact in connection with this statement is that it is true. Last year 57,765 Mexicans were legally admitted into our country. The additional number entering in violation of law is too uncertain to even hazard a guess. Immigration from Mexico has no legal limitation, and many good citizens without work can trace their lack of food and clothes directly to this Mexican door held open by Congress for the benefit of selfish employers of cheap labor.

The recent agitation for a repeal of the national-origins method of selecting immigrants has caused the eyes of the thoughtful people of this country to focus upon our immigration policy.

The issue in this question is simple. Our Government has adopted a policy of restricted immigration from European countries, while permitting unrestricted immigration from Canada, Mexico, and South America. National origin limits the number admitted to 150,000, while, if repealed, the number would be 163,000. The dispute at the

present time is over the method of computing the ratio of nationals to be admitted to this country. Alien immigrants and group blocs from Germany, the Irish Free State, and the Scandinavian countries complain that under national origins a fair proportion is not allotted to their fellow countrymen. They claim further that England is permitted more than her just share of immigration to America. These clamors and quarrels have become so loud that the air of the entire country is filled with bitter wailing and gnashing of teeth on the part of foreign groups who remain loyal to their fellow citizens they left in Europe.

I would not say one word against the racial qualities of Germans, Scandinavians, and Irish. Their national traditions are rich in historic lore, and all can find events and accomplishments of their people which justifies their pride and reverence for them.

This country, however, is not Germany, Italy, or Ireland. There is no place for hyphenated citizenship in this country. I regretted very much to note in a magazine reaching my desk this week, filled with antinational-origins propaganda, a statement of a threat against a certain Senator by "German-Americans." This term of "German-Americans" was their own, and doubtless sounds harsh to the ear of patriotism. There should be no "German-Americans." A man is either a German or he is an American. There is honor in being either, but no man can serve two masters or two countries.

I take the position that it is our right and privilege as Americans to determine for ourselves whether we want any foreign immigration at all; and, if so, from what countries it should come. The confusion of alien tongues clamoring among themselves as to their rights in our country convinces me that the proper thing to do is to suspend all immigration for a period of five years, in order that the entire matter may be considered from the standpoint of what is best for our country. One hundred and fifty thousand immigrants yearly is not of sufficient importance to our great country to justify this quarrel, with its accompanying bitterness and hard feelings. I favor an absolute suspension of all quotas and all immigration from all countries while these studies are being made.

We have a right to stop all immigration and a further right to select the future citizenship of this country on any basis we may see fit, racial or otherwise.

There is an ever-increasing sentiment among the people of America, including those who have most recently come to this land, that some time we must and will determine the character of those who enter our country upon a basis of rapid and successful assimilation with our present citizenship. We have closed our doors to certain Asiatic people because of this consideration. The time is coming when we must extend this prohibition in defense of racial purity and national traditions.

The wisdom of a complete restriction of immigration for a period of years perhaps can not be well understood without reflection for a few moments upon the historical growth of our present national citizenship. Since this is a government of the people, for the people, and by the people, the qualities of these people necessarily determine our laws, institutions, traditions, and customs.

The First Census, taken by the United States in 1790, shortly after the successful revolution had been fought, disclosed a citizenship divided in the main as follows:

English and Scotch	89.1
German	5.6
Irish	1.9

Casual thought might lead to the belief that America since 1790 has been built up mainly by immigration from foreign shores. This statement is incorrect. In 1790 the census showed a population of 3,172,444. To-day we have a population of approximately 120,000,000. A little more than 30,000,000 of this 120,000,000 has been supplied by foreign immigration.

It is interesting to note that for the first 90 years of our history—viz, from 1790 to 1880—the total foreign immigration was 10,171,889. It is also of great importance to note that within a period of 40 years, from 1880 to 1920, there was a total foreign immigration of 17,795,386. Ten million immigrants in a period of 90 years can be far more easily absorbed into the social, political, and economic life of a nation than can 17,795,386 in a period of 40 years. Every student of government since the beginning of time has realized the difficulty of amalgamating people in one nation who speak different languages, have been reared in different environments, and practiced different customs. None, perhaps, will deny that a national spirit of patriotism and ideals can be carried forward more harmoniously by an amalgamated citizenship than by a citizenship split and torn asunder by various racial and national characteristics.

Bearing this in mind, it is of great significance in determining what action should be taken in America at the present time to know that there are now in our Government 14,500,000 foreign born, or about 4,500,000 more than were absorbed into the entire citizenship in the first 90 years of our history. It is also of great importance to note that in numbers of our cities, viz, New York, Boston, Chicago, Milwaukee, Providence, R. I., Buffalo, N. Y., and others that approximately two out of every three people living within their boundaries were

either born in foreign lands or are sons and daughters of foreign born.

In reaching the conclusion that this constitutes a national problem, it is not necessary nor wise to attempt to declare the superiority or inferiority of any particular race or nationality. There is no particular race which has progressed to a modern state of civilization which can not present many arguments to establish the fact that it is not inferior to other nations and races. The fact remains, however, that different races and nationalities when combined under one government and within the same area must attempt to bring about a coordination of their aims and traditions.

We owe a duty to the 14,500,000 of foreign born within our land which we can not shirk. In order to become useful citizens they must gradually merge in our institutions. It is not good for them and it is bad for us to permit the continuation of foreign groups and blocs. No one would deny, perhaps, in Germany that the presence of 14,500,000 people of foreign birth, speaking a different language, would be a serious problem confronting that nation. It would be so with 14,500,000 foreign born in Italy or any other country. It must be so in America, and the problem to consider therefore is whether or not there are any compelling reasons which require that we increase the number of foreign born by continuing to permit foreign immigration before we have first absorbed those that are here.

Perhaps the most common reason urged against the exclusion of immigration is that foreigners are needed to perform the manual labor of this country. The beet growers of the West insist that they must have Mexicans and that Americans will not work on beet farms. There are several answers to this proposition. In the first place, the work on beet crops is required for only about two months out of the year. In addition to this fact I have been told that Americans will work on beet farms, provided they are permitted to work among themselves and not by the side of Mexicans, whose language and customs they do not understand.

Another complete answer to this statement is found in the census of 1920. It is shown therein that there are 16,778,668 native white Americans doing the common labor of this country, as against 6,627,797 foreign born.

This census also shows that there are farm laborers working on a salary who are native born to the number of 1,060,096 as against 163,475 foreign born.

The statement that the native American will not do any work that is honest and do it well is an insult to our Government and its people. It is true that Americans object to working for wages which do not permit them to live according to the American standards, and under conditions and surroundings that are filthy and dirty. The fact remains, however, that if there is any honest work to be done in this country, and any industry which needs to be carried on, there are enough men and women of the 120,000,000 now in America to perform the labor and the duties, provided they are paid a living wage for the work.

As a matter of fact, this question of labor is an all-important one in the consideration of foreign immigration. Mr. Samuel Gompers some years ago, came out in the *Federation of Labor Magazine* for a complete prohibition of foreign immigration. The American Legion in 1921 did the same thing. Various patriotic organizations have declared themselves against requiring American labor to compete with foreign immigrants. There are still some, however, who cling to the old idea that there must be cheap labor to bring about prosperity in this country, and forget that what a democracy demands is a virtuous and glorious citizenship. These people who cry for cheap labor, take the position that the workingman must always bid for his job, and that the employer need never bid for those who work for him.

We do not need statistics to prove that there is a surplus of common labor in America to-day. A number of men and women without employment in every community are eloquent arguments against the importation of foreign competition. What this country needs to-day is not so much hands for the performance of manual labor but minds and characters capable of understanding, appreciating, and performing the duties of American citizenship.

There was a time when we needed new citizens, in order to settle our virgin soil. That time is past. To-day, what we need is employment for those who are honest, energetic, and capable, but who have been driven from their position by modern machinery.

America would not be alone if it did attempt thus to protect its own citizenship. European countries have adopted various expedients to prevent foreign competition among their workers. Germany fixes every year beforehand the number of immigrant land workers to be admitted into their country, and all alien workers must hold a permit from the Government. Denmark does not admit alien workers unless the national immigration committees, on which labor is represented, find that no native labor is available for the work. Finland compels foreigners to obtain a residence permit from the police if staying longer than three months, and the authorities may dictate the place of residence. Hungary prohibits the entry of alien workers unless they hold a permit from the Minister of the Interior, and this permit is valid only for work at a specified place and for a specified time; the alien worker may not accept employment elsewhere. Deportation is also provided

by the Government of Hungary in the economic interests of the country. Rumania authorizes the Minister of Labor to prohibit or restrict the entry of alien workers of certain occupations. Rumania also prohibits the employment of a foreign worker unless his employer agrees to take a Rumanian instead if the employment exchange can find him one. Switzerland prohibits the entry of immigrants to fill jobs until these posts have been advertised in the federal employment office. Alien land workers and domestic servants are admitted for two years only in Switzerland. Yugoslavia has adopted regulations providing that foreign workers who have entered the country since 1922 must hold permits from Government inspectors, and these must only be granted if the workers are really needed. Even South Africa permits its authorities to prohibit any immigrants "unsuited to the requirements of the Union on economic grounds. Brazil suspends immigration in times of economic depression by ordering her consuls not to issue passports. It is also interesting to note that Arabs, Syrians, Armenians, Turks, and Hindus are excluded from Costa Rica, Panama, Haiti, Natal, and Canada.

It is thus seen that while many citizens of this country are clamoring for an increased number of immigrants from Germany, that the great country of Germany prohibits our workers from taking the jobs held by German citizens in that land. The voices that cry loudest for increased immigration in this country are usually those who were born in foreign lands, where Americans are not welcome to work and are prohibited by law under the most severe restrictions.

There is no legitimate argument that can be advanced to establish the fact that Americans need more immigrants at the present time. We have more people than we have jobs. True it is that many foreigners will work at a cheaper wage than many Americans, but this is all the more reason that employers should be required to pay a living wage in accordance with the American standard. The present unemployment can not be aided by permitting a greater number of immigrants, and the number of unemployed must be increased by permitting any immigrants at all. Every time an additional immigrant comes to our shores he must take the job held by some American citizen. This, I contend, is shortsighted policy, is not justified upon any economic theory that can be advanced, and is a slap in the face of those Americans now in our midst, both native and foreign born, who are willing to do the work of the Nation if they are paid for it.

The first duty of a government is to its own citizens. Self-protection is the first law of nature. We should first see that every hungry mouth is fed by the employment of our own people within our own boundaries before we open our gates ostensibly on humanitarian grounds. With gaunt hunger stalking in our midst, with factories all over the land working on part time, with men crying for jobs that they may feed and clothe their offspring, who dares to take the position that the hope of honest employment must fade further away into the future because there are men who desire to come to America from other lands, when their very governments deny the great boon of employment to American citizens?

A great proportion of the 14,500,000 foreign born in America to-day are uneducated and illiterate. They are certainly not completely familiar with American customs, manners, social life, political ideals, and economic affairs. Time alone can give to most of them a slight smattering of knowledge along these lines. We would have their children merge in our great system of government and become a part of the social, political, and industrial life of our Nation. The more unemployed and foreign born we have the greater is the problem. If American ideals and traditions of the past are to continue to be the American ideals and traditions of the future, immigration must stop for a while. After we have had time to make a scientific study of the entire question on racial and other grounds we can draw new immigration legislation to suit conditions. With malice toward no nation and no people, but with love not only for other countries but for our own people, let us solve this question. In the meantime let us suspend further immigration while our own citizens clamor for honest work at a living wage.

AHEPA NATIONAL BANQUET—ADDRESSES OF SENATOR WILLIAM H. KING AND HIS EXCELLENCY CH. J. SIMOPOULOS

Mr. WALSH of Massachusetts. Mr. President, our country has been enriched by industrious and progressive persons who have come from other lands. They have taken upon themselves the responsibilities of citizenship and have contributed in many ways to the development of our country.

In ancient times Greece carried high the banner of art and literature and political philosophy, and inspired her sons with a love of justice and liberty which manifested itself in the lives of their descendants.

There have come to our shores a large number of Greeks and they are to be found in every State of the Union. An organization of American citizens of Greek birth or descent has been formed in the United States and numbers more than 20,000. This organization bears the name Ahepa, and was formed, among other things, to encourage its members and those of Greek origin loyalty to the United States and allegiance to the flag. It teaches support of the Constitution, love of this

Republic and its institutions, and seeks to prepare its members for the duties and responsibilities of citizenship.

This organization has chapters in every State of the Union and representatives of these chapters recently held their annual convention in this city. Their sessions closed with a banquet at which hundreds were present, including a large number of Senators and Congressmen and public officials, both State and National. Among those in attendance were the junior Senator from Utah [Mr. KING] and the minister from Greece to the United States, His Excellency Ch. J. Simopoulos. The Senator from Utah was introduced as toastmaster and delivered an address, and in the course of the proceedings an address was delivered by the minister from Greece.

I ask unanimous consent that these addresses may be printed in the CONGRESSIONAL RECORD.

There being no objection, the addresses were ordered to be printed in the RECORD.

ADDRESS BY SENATOR WILLIAM H. KING

Senator KING spoke as follows:

Mr. President, Mr. Minister, members of the Ahepa Society, and ladies and gentlemen, I can not find fitting words to express my appreciation of the most cordial and generous welcome accorded me. I deeply appreciate the evidences which have been brought to my attention from time to time of the friendship and regard of the members of the Ahepa organization, and I feel deeply honored in having been selected to act as toastmaster upon this occasion.

I note a large number of distinguished Senators and Members of the House of Representatives who are here to-night as the guests of the Ahepa. May I say, facetiously, that it is not often Members of the Senate and House are called upon to rise and join in applause of one of their own number. I am inclined to the view that Representatives who sit at the opposite side of the Capitol from that occupied by Senators will be less disposed to join in greetings extended to a Member of the Senate [laughter], because, as is well known, Members of the House of Representatives regard that important branch of our National Legislature as far more important than the Senate. I notice that my friend, Mrs. KAERN, the distinguished lady Member of the House from California, approves of the last part of my statement, because she smiles and applauds. I might add, however, that I am in agreement with her, because when I was younger I had the honor of being a Member of the House of Representatives. [Laughter and applause.]

Perhaps any feeling of jealousy that my senatorial colleagues may have because of my selection to preside at this banquet instead of one of their number will be eradicated from their hearts when I say that the reason grows out of the fact that for a number of years I have been deeply interested in this organization, and, indeed, had something to do with its creation.

Perhaps there are some present who are not fully advised as to the character of this important and splendid organization. By reference to the menu you will notice the word "Ahepa." Some may be curious as to its origin and attempts may be made, out of the letters forming the word, to frame some Greek word or sentence for which it stands. The word "Ahepa" is formed by selecting the first letter of the words constituting the name of the organization which has brought us together tonight, namely, American Hellenic Educational Patriotic Association.

This organization was founded by representatives of the Hellenic race, who are now citizens of this Republic. Some were born in Greece, others are descendants of Greeks who left their native land to find a home in the New World. If I may be pardoned, a personal allusion: From my boyhood days I have been deeply interested in all that pertains to Greece; her philosophy, history, literature, art; indeed, her history in all its varying phases has engaged my serious and earnest attention. I saw in the World War an opportunity for the Hellenic race to receive a new birth and to become a powerful state; indeed, the most important nation in the Levant. I believed that most of the territory which more than 2,000 years ago constituted a part of the Hellenic Nation, should be restored to Greece, and that the allied and associated powers in any treaty which they might negotiate with Turkey should make provisions for the realization of that objective.

I had the honor of offering in the Senate one or more resolutions expressing that view, and upon various occasions urged that the boundaries of Greece should be extended to include the islands in the Mediterranean and Aegean Seas and territory in Asia Minor which was occupied by the Hellenic race and which in past centuries constituted a part of the Hellenic States. Because of my position in this matter I was, perhaps, brought into closer contact with those of the Hellenic race who had made their homes in this Republic. May I add, somewhat by way of parenthesis, that there were thousands of fine, courageous, and patriotic Americans of Greek birth or descent, who formed a part of the mighty host enlisted in the United States to participate in the conflict which we and history will call the World War. Upon a number of occasions I had the opportunity of addressing persons of Greek birth or descent, in various parts of the United States. I discovered that they were anxious to discharge every responsibility resting

upon them as citizens of this Republic. Some of them, as I have indicated, were the descendants of Greek parents. Of those born in Greece many had taken upon themselves American citizenship, while others were waiting with eagerness the day when they might renounce their allegiance to their mother country and take upon themselves the high responsibilities of American citizenship.

I repeat when I say that all, whether citizens or not, were deeply interested in learning of our Government, its philosophy, its fundamentals, and the principles upon which it rests. All desired to enter into the spirit of this Republic, to be guided by its ideals, and to contribute to the accomplishment of the great mission for which, by Providence, it has been ordained. In some of these gatherings in which I had the pleasure of participating, suggestions were made that an organization or society be effected, national in extent, with local subdivisions, the membership of which should be American citizens of Greek birth or descent. The object of the organization was to inculcate American ideals, teach democratic principles and the duties and responsibilities of citizenship, and also to help those of the Hellenic race who come to our shores to become oriented, to learn our language, customs, and thoughts, and to be prepared for useful work and service. It was believed that there was a broad field for the activities of an organization of this character, and the result was the organization of the Ahepa.

In the beginning the organization was small, but it has grown rapidly and it now has more than 20,000 members. It has scores of chapters in various parts of the United States. Its work has been of a very high character and its accomplishments of inestimable value, not only to its members but to those who have been brought within its influence. It has been a sincere teacher of Americanism and has exercised a powerful influence upon those of Hellenic birth or descent within the United States. It has impressed upon the minds of Greeks who have come to America that there were serious and heavy responsibilities resting upon them when they sought citizenship in this Republic. In addition to its demands that all Greek-Americans should be patriotic and loyal to the spirit and institutions of this Republic, it has emphasized moral and ethical and spiritual precepts as indispensable guides to the lives of Greek-Americans.

As I am advised, there are chapters of the Ahepa organization in every State of the Union, and the large number of Senators and Representatives gathered around these banquet tables, if they have not been told, will now appreciate that the invitations received by them came through or by reason of the Ahepa organization within their own States and districts. I take this opportunity to state to my friends from the House and the Senate that in the organization which has brought us together to-night there are hundreds, if not thousands, of men of high standing who hold positions of importance and responsibility in various parts of our country. In the Ahepa organization there are thousands of men who came to the United States as poor boys, perhaps without friends, and without any knowledge of our language. By their thrift and energy and industry they have risen to positions of trust and responsibility in the communities in which they live. Many of them are preachers, lawyers, engineers, doctors, bankers, business men active in industrial and other enterprises, professors, teachers, and, indeed, there is scarcely any useful and important field of human endeavor which they have not entered. I personally know of scores of men within the categories referred to, who came to the United States as poor and friendless boys, who have by their genius, energy, integrity, and indomitable courage, won their way to positions of prominence and influence in the communities where they are established.

From Salt Lake City, my own home, there is present here to-night a member of the Ahepa who is one of the finest and most representative men of my State. I shall take the liberty of asking him to stand up so that we may see him. [Thereupon Mr. Stathakos arose and was enthusiastically applauded.] He worked his way through our public schools and through the university, and is now professor of mathematics in an important educational institution of the State.

It is a great pleasure to refer to the excellent work which has been performed by the Ahepa Society, and to bring this organization to the attention of so many representatives of our National Legislature.

It is significant that among those of Greek birth or descent, we find, when opportunity is given, so many of the characteristics which brought ancient Greece to the position which made her the intellectual leader of the world. I have observed among members of the Ahepa Society, as well as others of Greek origin or birth, those qualities of mind which were so conspicuously developed by the Hellenic race in past centuries. Many are devoted to art and literature and to professional activities. Others succeed in the field of business and trade and commerce.

When Mr. Vournas was speaking about Euripides I was reminded of the statement made by a great French savant who said of Raphael, that he had absorbed his predecessors and ruined his successors. It is not improper, upon occasions of this kind, or indeed when persons meet to discuss religion, philosophy, art, and literature, and those questions relating to human progress, that reference should be made to Greece and the great contribution which she has made to the advancement and civilization of the world. The world is indebted to Greece for the rich inheritance which she bequeathed to mankind. Not only American

citizens of Hellenic origin, but all who live under the flag of this Republic, are the direct beneficiaries of the intellectual conquests and mighty achievements of the Hellenic race.

Is it not true that long before the Christian era the Greeks had absorbed their predecessors and had carried to the highest point theretofore reached the standard of literature, of painting, of sculpture, of philosophy, of logic? Indeed, there are many who say that no higher standard of intellectualism has ever been attained in any age or by any people. Even in this enlightened age we go back to ancient Greece and the rich treasures she garnered for succeeding ages. I sometimes wonder if the world has made much intellectual progress since the days of Plato and Socrates and Aristotle. In pure intellectualism no age has ever surpassed, and perhaps none has ever equalled, the Greeks of the time of Pericles. Noble and elevated conceptions of the unity of the universe, of the principles of justice and morality, were understood and taught by Grecian philosophers and poets hundreds of years before the Christian era. Hellenic civilization in the fifth century B. C. underwent a remarkable transformation not unlike the renaissance in later Europe. Old forms were modified or discarded; new concepts of the universe and man's relation to it were developed; new social forms were created and new forms of thought evolved; and the most gifted of the races of men "burst into maturity." Socrates, as revealed in the *Phaedo*, gave to the world a vivid impression of an implicit confidence not alone in God's existence but in His intelligent and spiritual perfection. "The God of Socrates is an infinite spirit, a Being in whom all wisdom, truth, and beauty lie—the one real existence to which the mind of man may turn." He asks of man, " * * * shall the seeker of true wisdom, who cherishes the hope that he will meet with it nowhere but in eternity, be grieved at death and not rather glad to go? Surely must he think so, friend; for, if a philosopher, he will be firmly convinced that he will find true wisdom in the other world alone."

He speaks of mortal man who dies, but that part of him which truly lives "takes its flight afar, safe and imperishable." He speaks of virtue and wisdom as the "wings of the soul" in its flight, and asks the people to leave nothing undone to share therein, for "noble the reward and great the hope."

These conceptions of the verities and fundamentals of life and of nature have seldom been attained and are only surpassed in the sublime teachings and the spiritual manifestations of the faith of the Risen Lord. The philosophy of Socrates teaches that injustice begets injustice, and therefore it is the duty of a just man "neither to injure a friend nor any other." May it not be said that he teaches that we should do unto others as we would have them to do to us? Plato speaks of those who earnestly seek to become just and in the "practice of virtue become like God as far as lies in the human power."

Aristotle speaks of the Deity as a "first cause and principle of things," and the poets of Greek tragedy, such as *Æschylus*, *Sophocles*, and *Euripides*, give emphasis to the higher moral and spiritual concepts of their day. We often speak of the law of nature or of a higher law which rises above human pronouncements. *Antigone* gave expression to this view when she declared that there were laws higher than those which came from Zeus or mortal men, and that decrees of the latter could not "override those unwritten and unfailing mandates which are not of to-day or yesterday and no one knows their birth-tide." Centuries later *Cicero* spoke in a similar way of the higher law, "which was never written and which we are never taught, which we never learn by reading, but which was drawn by nature herself." And this view was developed in the Roman law and recognized in the distinction between *jus civile*, or the law of the state, and *jus naturalae*, or the law of nature. Our juridical system recognizes a higher law which even transcends the authority of living generations—the natural law, the law of God, the eternal principles of justice and righteousness.

So we go back to ancient Greece and draw from the fountains of her universal knowledge principles to guide this generation.

The writings of the Greeks speak of an omnipotent divinity and emphasize their belief in man's immortal nature. Moreover, they present a noble conception of ethics and morality, justice being the aim of their system of philosophy and religion, and the highest attribute of God himself.

Æschylus speaks of the great "King of Kings, most blessed of the Blest, most perfect Might of power's last degree," and of God and His justice, man's immortality, and the retribution for sin:

"Look up to Him who watches from on high
And guards the toiling sons of men, and those
Who justice from their fellows seek in vain;
The wrath of God of suppliant abides,
Nor by the guilty's woes is soon appeased."

And *Euripides* says,

"Far better than a host, without the right
Is one good man in God's and Justice's sight;
Who knows but what we live in Death's dull bond,
And dying, enter into life beyond."

When one speaks of Greece the temptation is great to enlarge upon her imperishable gifts to humanity. We are indebted to Greece, and so

long as men seek justice and the realization of democratic ideals and beauty and art, Greece will be remembered. But I shall not transgress the proprieties of the occasion and occupy more of your time. As you know there are other speakers whom we shall be delighted to hear; and following the addresses and the musical numbers which the program calls for, the *Abepa Society* invites us to enter the magnificent ball-room which this hotel provides and take part in the dance. [Applause.]

In introducing the minister from Greece, Senator KING spoke as follows:

Ladies and gentlemen, I was in Greece three years ago and had opportunity to learn of the difficulties and problems before the people of that country. As you know, for a number of years preceding the World War they had been engaged in conflicts with Turkey and Bulgaria. During the World War their position was one of great difficulty and entailed upon the people of Greece enormous sacrifices. Before the war ended they actively participated on the side of the Allies and materially contributed to the defeat of the Central Powers. For centuries they were the victims of the cruellest oppression at the hands of the Turks. They were despoiled of their territory, robbed of their possessions, and deprived of their liberty. The previous speaker referred to the Hellenic race as being an outpost of Christianity. His statement was entirely accurate, and may I take this occasion to say that the Greek Orthodox Church for many centuries has carried high the standard of its faith. It spread Christianity in Russia; overthrew, by its teaching and precepts, the pagan system which had for centuries there prevailed, and constituted no unimportant force in preserving the Hellenic race and keeping alive their ideals and national aspirations.

A short time before I visited Greece more than a million Greeks had been driven from Macedonia and other parts of Asia Minor. Their only place of refuge was the little State of Greece. More than 150,000 Armenians, some of the remnants of a heroic race, also had been driven from Asia Minor by the Turks and had found refuge in Greece. Notwithstanding the poverty of Greece and the years of war and privations through which she had passed, these refugees were hospitably received and efforts made to alleviate their sufferings and to provide for their future. I was amazed to see the courage and resiliency of the Greeks. There was no despair in meeting this great burden placed upon them. They emphasized the truth of the statement of *Euripides* that cowards do not count in battle. They were having an economic and industrial battle, one which tested their strength and morale. They were trying to save not only themselves but nearly a million and one-half of poor, starving people who had been cruelly thrust from their homes.

I perceived that Greece had weighty and important domestic as well as foreign problems; and yet in this situation there was unmistakable evidence of the competency of the people to meet the situation and to develop a stronger people and a more powerful state.

We have with us to-night a representative of Greece—one whom we all love because of his fine qualities and high character. He has been in the diplomatic service of his country for many years and has been its honored representative to the United States for a number of years. He has earned the confidence and esteem of the American people. His unfailing courtesy, his knowledge of diplomatic usages, his appreciation of the obligations resting upon him, his genuine spirit of democracy—these and other high qualities have brought to him the admiration and esteem of those in the United States of the Hellenic race, and the American people as well.

It is my honor and pleasure to present to you His Excellency C. Simopoulos, Minister of Greece to the United States.

ADDRESS BY HON. CH. J. SIMOPOULOS, ENVOY EXTRAORDINAIRE ET MINISTRE
PLENIPOTENTIAIRE DE GRÈCE

The minister spoke as follows:

I wish to thank the chairman very much for all of the kind words he has said for my country and for myself.

I feel extremely happy to be with you to-night and to see so many of our American friends with us. This constitutes the best proof of the appreciation of your society, as well as appreciation for the successful development which our people have had in this country.

I have had the occasion in my different visits to know the personal history of many of our countrymen in the United States, and this intimate knowledge has only increased my admiration for their achievements. They came to this country not so very long ago, and most of them, without the slightest knowledge of the language, and in this comparatively short time they have been able to make wonderful progress. Industrious in time of peace—they have been brave in time of war—glad to prove their love for their adopted country and proud to have given a national hero to America, *George Dilboy*, who was one of them.

With regard to the relations between Greece and the United States, I consider that the Greeks have been the unofficial promoters in the economic intercourse between the two countries. Even our exchange of commodities with the United States represents a greater volume than all of the other Balkan States together. This is in great part due to the Greeks in this country.

It is with great pleasure and satisfaction that every day I see the number of vessels going to Greece become larger, and the ship lines

increase. I sincerely trust that the day is not very far distant when the present passenger and freight vessels of the various lines between Greece and the United States may be enlarged so that direct intercourse between the oldest democracy and the youngest may reach its maximum. I should also like to point out that the Americans visiting Greece will have the opportunity not only to see what we are doing in our country but to ascertain what the Americans are doing in Greece, because many of you will be happy to learn that the execution of our most important public works has been undertaken by American companies; that is, the water supply of Athens and Piræus; the drainage of the Strouma; the drainage of Axios, and are being executed by the Ulen Co., the Foundation Co., and the Monks & Ulen Co., of New York.

The American visitors will enjoy seeing the Greek-American College, which will be one of our finest institutions. They will be interested in the activities of the Y. M. C. A. and those of the Near East Relief. They will also view carefully and admire the marvelous work of the American Archaeological School, and I hope very soon this school will see its activities enlarged; and when the agreement with the Greek Government will be consummated under which the area around the Acropolis will be excavated by this school, and it will be of the greatest interest to see the sons of this active and progressive democracy unearthing the treasures of the golden age of Pericles.

But in order to appreciate fully what has been accomplished by Greece in 100 years the visitor must take into consideration the fact that Greece emerged from a long and destructive war of seven years after finally throwing off the Turkish yoke. One hundred years ago Athens and Piræus together did not have a population of more than 14,000 souls, whereas to-day the population of Athens alone is over 500,000, while the then deserted port of Piræus now has become one of the busiest ports in the Mediterranean.

When modern Greece was first created its population was hardly 1,000,000, and the majority of our race was left under the Turkish yoke. If we were not conscious of our national obligation, we could have had the most perfect life, enjoyed the greatest prosperity under our beautiful blue skies; but we always felt that we had to accomplish our historical destiny and liberate our oppressed brothers; and the Greek people during all this century unhesitatingly accomplished all the sacrifices, and, animated by this spirit, after the disaster in Asia Minor, we have received 1,500,000 refugees, proud to share with them the miseries resulting from the war.

Now, with the greatest majority of our people within our own frontiers, all of our efforts are directed toward peaceful and constructive work; and under the powerful leadership of Mr. Venizelos our policy is directed to the establishment of most friendly relations with our neighbors, and I need not add the marvelous repercussion that the efforts of this great country toward peace have found in my country.

We do not wish to miss this opportunity to point out how grateful we all feel toward this country for the help given us by the American people during the last years, and in accomplishing this agreeable duty I shall end by wishing continued greatness and prosperity to the United States and her people. [Applause.]

DECENNIAL CENSUS AND APPORTIONMENT OF REPRESENTATIVES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress, the pending question being on Mr. SACKETT's amendment, in section 22, page 16, line 15, after the word "State," to insert the words "exclusive of aliens and," so as to make the section read:

SEC. 22. That on the first day, or within one week thereafter, of the second regular session of the Seventy-first Congress and of each fifth Congress thereafter, the President shall transmit to the Congress a statement showing the whole number of persons in each State, exclusive of aliens and excluding Indians not taxed, as ascertained under the fifteenth and each subsequent decennial census of the population, and the number of Representatives to which each State would be entitled under an apportionment of the existing number of Representatives made in the following manner: By apportioning the existing number of Representatives among the several States according to the respective numbers of the several States as ascertained under such census, by the method used in the last preceding apportionment, no State to receive less than one Member.

The VICE PRESIDENT. The Senator from Kentucky [Mr. SACKETT] is entitled to the floor.

Mr. COPELAND. Mr. President, before the Senator from Kentucky begins his address, may I ask if he intends to consider the constitutional aspects of the amendment he is offering?

Mr. SACKETT. I will say to the Senator that I am going to discuss the constitutional question from the viewpoint of a layman of the Senate with a legal mind, if I may put it that way. I do not intend to discuss it as a constitutional lawyer. I would not presume with my short practice of the law to discuss it on that basis. However, there are a great many Members of the Senate who are not lawyers, who have not had the

advantage of any legal training; and I do expect to say something to them on the subject of the constitutionality of the question.

Mr. COPELAND. The Senator, of course, is aware that Mr. HOCH, in the House, had under consideration the same matter and decided that he could not conscientiously press it because he considered it unconstitutional.

Mr. SACKETT. I know Mr. HOCH had that view, and I also shall bring forward a number of views that have been expressed similarly by great constitutional lawyers on a number of questions in connection with the identical matter, in which they held it was unconstitutional, and yet the proceedings under those provisions are in the law of the land to-day.

Mr. COPELAND. If the proposal is clearly unconstitutional—and, of course, I am not competent to consider that question—it would be a work of supererogation—

Mr. SACKETT. I must decline to yield further because I wish to proceed.

The VICE PRESIDENT. The Senator from Kentucky declines to yield further.

Mr. SACKETT. Mr. President, the object of my amendment is to limit the number of people who shall be counted for the purpose of arriving at a basis for representation in the Congress of the United States to those who are citizens of the United States and to exclude from that count those people who have come here and have never signified in any way their interest in this Government sufficiently to become naturalized. The object of the amendment is to reserve the American Government for those who have faith in the Nation.

I wish to say, in the opening of my address, that according to the estimates which have been made my own State will lose two Representatives. I think I demonstrated by the votes I cast on yesterday that the mere fact that the State of Kentucky will lose two Representatives is not the moving spirit of my amendment, for I voted to retain in the bill the provisions for reapportionment that are there at the present time. However, in the State of Kentucky we have less than 15,000 aliens out of a population of some 2,500,000, in round numbers. In many of the other States of the Union from 20 to 30 per cent of the population are aliens who have not become citizens; and when representation in Congress is apportioned on the count of those aliens the American citizen is deprived of an equal representation in the House of Representatives. To prevent that is the object, and the sole object, of the amendment which I have offered to the bill.

If the framers of the Constitution were now engaged in that task, and the situation were as it is at present, with practically 6,000,000 people here who are not citizens, I do not believe those sitting in judgment upon the question would put into the Constitution a clause which could be construed as authorizing the counting of those aliens not alone for determining the representation in Congress but providing as well for the electoral vote by which a President of the United States is counted in or counted out of office.

This Government was brought into being for the people who owned the country. The preamble of our own Constitution begins with the words "We, the people of the United States," and then the document proceeds to frame a government for their own posterity. While we offer an asylum to some foreigners, while we give them the opportunity to be safeguarded by our laws in the protection of life, property, and the pursuit of happiness as long as they are resident among us, nevertheless, the whole genius of American institutions is to provide a government for the benefit of those who have made America their own.

Six million people are now in the United States who are not citizens of the American Government. Those aliens, congregating in congressional districts in many parts of the country and becoming there concentrated, have influence not only upon representation in Congress, with all that that means to our people, but also have an influence upon the election of the President of the United States. When the Constitution was adopted there were no aliens here. As I conceive it, on the day the Constitution was adopted everyone then within our borders became a citizen of the State and of the United States. The question of citizenship was not pertinent at that time, but to-day it is doubly pertinent, and it is doubly pertinent by reason of the fact that we have not had a change in the representation in Congress for a period of practically 20 years, during which time following the great World War and in earlier years, immigrants came to the country in greater numbers than ever before. Figures that may be used in this discussion, based on the census made in 1920, are to-day 10 years old. Changes have taken place, but if we shall follow the census of the United States of 1920, those figures do give us a line for deduction from

which we may judge rather closely as to the actual conditions existing in the United States to-day. As I understand, it is estimated in connection with the pending apportionment bill that as a result of adopting the figures of the next census there will be a change of some 23 seats in the lower branch of Congress. It is impossible to say—and I have not been able to work out the problem—what proportion of the change in those 23 seats may be due to the inclusion of aliens. I do not believe that any Senator from present knowledge, making his deductions from the census of 1920, can state whether the inclusion of the alien population will reduce the representation of his State in Congress or increase it. He may be able to make some kind of a deduction, but he can not do so with any degree of certainty.

As every Member of the Senate knows, during the past 20 years there has been a very decided drift from the country to the city, and to me one of the most interesting things shown by the census figures is the concentration of the alien population. In my opinion, the only way by which we can arrive at the facts from the census is to take the number of foreign whites in this country and deduct from that number those who are known to have become naturalized American citizens. There were 13,750,000 foreign-born whites in 1920. In using these figures I do not want to be understood to be accurate down to the thousands, but in general there will not be a variance of more than a small percentage in the calculations of those who may work out the conclusions from the census returns. Out of those 13,750,000 foreign-born whites I find that we can safely say that about 6,000,000 aliens have not become citizens, or a little less than 50 per cent out of the 13,750,000.

Of those 13,750,000 foreign-born whites, 10,500,000 are concentrated in urban populations, leaving about 3,250,000 distributed in what we call rural populations. Taking the 50 per cent average of citizenship, which runs practically through the census figures, we find that 5,000,000 aliens are concentrated in the cities and about 1,500,000 or less in the rural districts. Add to that the drift of population from the farm to the city by reason of the increased production per man upon the farm, requiring less labor upon the farm, and we find that there is being drawn from the country districts their representation in Congress and it is being piled up in the urban districts and in the cities of this land.

One of the things which has caused a great deal of trouble of late has been the drift from the rural districts to the cities. We can in a large measure, by adopting this kind of an amendment, prevent this concentration of political power derived through representation in Congress and through the election of the President, by confining the representation to those who are citizens of the United States.

As I said a while ago, I do not believe that this body if it were adopting the Constitution to-day, in view of the large number of aliens now resident in the United States would for a moment, in its patriotic thought give to that body of aliens representation in the Congress or give to them the right to be represented in the Electoral College when it comes to elect a President. I think under those circumstances every Member of the Senate would say to himself, as the founders of this Government said, "We, the people of the United States, are adopting this Constitution."

It is not inconceivable that the States having been divided into districts, and our alien population having concentrated in many of the large cities, for the purpose of securing employment, that one of our congressional districts—let us say it for the sake of the argument—might have a population that was at least half alien. Under those circumstances with a population in the district which is half alien, who can not vote, when that district is electing a Representative in Congress it means giving twice the power in the Congress of the United States to the legal voters in that district compared to that given to a rural population such as I in part represent that has no aliens worth mentioning within its borders. There is given to those aliens in that district every right that is given to the American citizen except the right to vote; and by reason of allowing them representation in the Electoral College, when they do not have the right to vote, the power of the citizens who are in that district is increased and the aliens thus are given in effect such a part of a vote as the number of aliens are proportioned to the total population in that district. That is not American; it is not what was intended by the founders of this Government. I wanted to make that statement in order to make clear if I can the principle behind this amendment.

As I said earlier in reply to an inquiry, I do not want to go into this discussion as a constitutional lawyer of the question whether we have the right to exclude aliens from the census count. I was educated as a lawyer and I practiced law for a

few years, but I have been out of the practice for many years, and I can not presume to have followed the decisions of the courts on this question. There have been prepared, however, and published in the Record two articles on the subject of the exclusion of aliens which are well worth the consideration of the constitutional lawyers of the Senate. One is by Mr. HENRY ST. GEORGE TUCKER, of Virginia, who has been the president of the American Bar Association. It is a learned article, and treats the constitutional question fairly. Some may not agree with it, but it is the legal argument of an able lawyer.

The other article is by a noted lawyer of Kansas, Mr. AYRES. He has treated the same question; and they both come to the conclusion that the exclusion of aliens under our Constitution at this time is legal and constitutional.

I desire to speak, therefore, purely as a layman with perhaps a legal turn of mind, and call the attention of the Senate to a few questions in connection with this reapportionment bill as it applies to the Constitution of the United States.

Mr. KING. Mr. President, before the Senator leaves the point he was discussing, would it interrupt him if I should ask him a question?

Mr. SACKETT. No.

Mr. KING. As I understood the able Senator, his position was that in drafting the Constitution of the United States—and, of course, he includes in that, I presume, the provision included in the fourteenth amendment dealing with aliens—it was not contemplated by the fathers of the Republic, nor by those who drafted the fourteenth amendment, that aliens were to be counted or considered in the question of apportionment.

Mr. SACKETT. Yes.

Mr. KING. I will ask the Senator if it was not fully considered both in the Constitutional Convention and at the time when the fourteenth amendment was drafted; and one other question which is germane to that: Did not the fathers contemplate the fact, particularly as exhibited in the great ordinance of 1787, that there would be large areas of virgin land to be populated by thousands and millions who would come from across the seas, and did they not anticipate a large influx of immigrants; and during the Civil War and following the Civil War were not the conditions such as to indicate that there would be a large influx of immigrants from beyond the seas who would seek homes in the United States? So that both in the Constitutional Convention and when the fourteenth amendment was drafted, did not our fathers and those who were in the Legislature contemplate the fact that there would be a large influx of immigrants, and that they should be counted in the question of census and of apportionment?

Mr. SACKETT. I think, if the Senator pleases, that when the Constitution was adopted, and also again when the fourteenth amendment was adopted, we were anticipating a large influx of foreigners, and we provided in our naturalization laws the means by which they should become Americans if they so desired. I think they felt at that time that if they were to come the door was open to them; and, as shown in the arguments of these lawyers, there is no express direction in the Constitution which will prohibit the acceptance of the interpretation of those instruments, the Constitution and the amendment, to which I now call the attention of the Senate and for which I now contend.

Mr. BARKLEY. Mr. President, will my colleague yield for a suggestion?

Mr. SACKETT. I yield.

Mr. BARKLEY. The framers of the fourteenth amendment were dealing with a situation produced by reason of the abolition of slavery.

Mr. SACKETT. Yes.

Mr. BARKLEY. They were not seeking to extend that method of dealing with the subject.

Mr. SACKETT. If I have time, I will come to that. It is a little difficult for me, not being very expert on my feet, to follow a continuous thread with these interruptions, because they disturb the logical sequence of my argument, which I should like very much to put across to the Senate if possible.

The Constitution of the United States says in the beginning that all "persons" shall be counted. The fourteenth amendment, which has been brought up, continues the same language. There were no aliens in the country when the original Constitution was adopted; and it is impossible to find out from the census how many aliens there were actually in this country when the fourteenth amendment was adopted.

Mr. WALSH of Montana. Mr. President, will the Senator suffer an interruption there?

Mr. SACKETT. Certainly.

Mr. WALSH of Montana. Upon what authority does the Senator make the statement, now repeated, that at the time of

the adoption of the Constitution there were no aliens in the country?

Mr. SACKETT. I make it purely on the idea that at the time the Constitution was adopted the citizenship was settled in the various States, and those who were citizens were taken in; and practically all, as I understand, were citizens at that time.

Mr. WALSH of Montana. That seems rather strange, because the Government was scarcely established when the Congress passed a very liberal naturalization act, that of 1790.

Mr. SACKETT. Yes; and there is no question but that they expected an influx of foreigners.

Mr. WALSH of Montana. But what challenges my attention is the statement, twice made by the Senator, that there were no aliens in this country at that time.

Mr. SACKETT. I make it on the ground that when the Constitution was adopted, that by itself made the people who were here citizens of the United States.

Mr. WALSH of Montana. That was not the view taken at that time by any means. The Congress of the Confederation in 1785 passed an act authorizing the naturalization of aliens; and under the operation of that act two eminent statesmen of that time—Alexander Hamilton and Albert Gallatin—became citizens of the United States, both having been born abroad.

Mr. SACKETT. That was before the Constitution was adopted.

Mr. WALSH of Montana. Before the Constitution; so that before the Constitution was adopted, the Congress realizing that persons of foreign birth had contributed in a most substantial way, Alexander Hamilton among them, to the attainment of independence, they very promptly passed an act by which those foreign-born residents of the country might become citizens of the United States; and under the mandate of the Constitution, the Congress having power to pass a uniform law on the subject of naturalization, the Congress promptly went to work and passed a liberal act under which aliens who had resided in this country but two years might become citizens of the United States.

Mr. SACKETT. I think the proof of the matter, if the Senator please, would lie in the fact, whether we could cite instances where, immediately after the Constitution was adopted, people did apply for citizenship. That I have not been able to find. It may be so, and it may not. I do not know. I am not sufficiently versed in those matters to be able to answer it. I know that they did apply before the Constitution; I know that they did apply after the passage of the first naturalization act; but I do not know that they applied in between, or that people who were resident in this country before the Constitution applied after the passage of that act.

At any rate, I want to say this with regard to the fourteenth amendment: We do not know how many aliens were resident in the country at the time that amendment was adopted. We do know that it was aimed at a very specific matter, slavery, in which this question of alien count in reapportionment was not preeminent in any way, and the question was not raised.

I take it that the Congress and the people, when they adopted that amendment to the Constitution, did not have that point in mind, and that the language of that amendment copied the language of the Constitution as it was originally adopted; and it has no significance whatsoever on the matter of alien count in reapportionment. In order to enforce that view, I desire to call attention to a provision in this bill that is copied directly from the Constitution of the United States, and is copied from the fourteenth amendment, and now has no application whatsoever, and that is the language which says "excluding Indians not taxed." We have not any Indians not taxed in this country to-day, and yet the authors of this bill include simply by repetition a thing which has no standing in the community at this moment; and that is my answer, in large part, to the question in regard to the repetition in the fourteenth amendment in 1868 of the same words that were carried on from the original Constitution of this country as it was adopted.

I have on my desk an opinion of the counsel of the Director of the Census calling attention to the fact that in June, 1924, citizenship was conferred upon all Indians, and that no longer is it necessary to consider, under the Constitution, the question of exclusion of Indians not taxed. That simply goes to enforce the idea I am trying to convey, that in drafting many of these provisions things are carried over from one generation to the next when the view of the people is not concentrated upon the identical meaning which is sought to be conveyed.

There is now no need of putting that exclusion in this bill. It can just as well be stricken out in the present version—the exclusion of Indians not taxed—for all Indians are taxed except those who have come into the country as any foreigner comes in, perhaps from Mexico, because the meaning is that

an Indian who is subject to tax is counted in the representation whether he actually pays the tax or not. If he has the property to be taxed, he will be taxed; and for that reason the exclusion of Indians not taxed is no longer a proper matter to be considered in a reapportionment bill, even though that language is used in the Constitution and in the fourteenth amendment.

The VICE PRESIDENT. The Senator's time on the amendment has expired. He has a half hour on the bill.

Mr. BRATTON. Mr. President, will the Senator suffer an interruption?

Mr. SACKETT. If it does not lead to a speech, I shall be glad to do so.

Mr. BRATTON. Do I understand that the Senator takes the position that a tribe of Indians owning property that is in an Indian reservation is subject to taxation in the general sense that a State may levy a tax against an ordinary non-Indian citizen?

Mr. SACKETT. I should like to read part of the opinion of the solicitor on that point. This is the memorandum that comes to me from the Director of the Census:

Since the solicitor rendered the opinion referred to, citizenship has been conferred upon all noncitizen Indians born in the United States by the act of June 2, 1924, which provided:

"That all noncitizen Indians born within the territorial limits of the United States be, and they hereby are, declared to be citizens of the United States: *Provided*, That the granting of such citizenship shall not in any manner impair or otherwise affect the right of any Indian to tribal or other property."

The bureau assumes that as a result of this legislation there is at the present time only a very negligible number of Indians in the United States who are not citizens. Consequently, if the principles set forth in the solicitor's opinion are followed—that is, that Indians who are citizens, although they may or may not own or be eligible to own land or other property which is exempt from taxation by the Federal laws relating to Indians, should be excluded from the classification of Indians not taxed within the meaning of the Constitution—the remaining number of Indians who may possibly be so classified will be too small to affect the apportionment of congressional representation.

Then he goes on with certain recommendations as to the taking of the census.

Mr. BRATTON. If I understand the Senator correctly, he draws a distinction between Indians subject to taxation within the purview of the fourteenth amendment as to taking them into consideration for the purpose of representation, and Indians being subject to taxation under the law of the States in which they happen to exist physically, although they reside upon an Indian reservation and are subject to tribal regulations.

Mr. SACKETT. Yes. I wanted to make that point in order to indicate that the fourteenth amendment, enforcing the language of the Constitution as originally written, was a matter of repetition without concentrating the viewpoint of the country upon the question of whether the word "persons" as it is there used should be made to include aliens, or should be made to exclude aliens. That was not in the purview of the people when that amendment was adopted.

It only goes to show that these things can be copied and can be put into a bill of this kind, or into the Constitution, when concentration is not made upon the point by the inclusion in this bill of something which the counsel for the Director of the Census says is no longer pertinent because we have made these Indians citizens.

In the course of the history of representation, and the count of people for representation, I come back to the view, which has been put forward, that there is no authority in the Constitution for the exclusion of aliens. In the course of that history we have on occasion done much more violence to that clause of the Constitution than may be done by the exclusion of aliens. There can not be found in the Constitution any provision giving power to divide States into districts, and to bring about congressional representation by districts, yet it was done, and it was done a great many years ago, and we count our people in districts, and we make provision for a representative for each district. Yet it is only provided in the instrument that we shall apportion counting all persons within the State.

Not only that but it has been said on the floor of the Senate in the past by many men who were known as constitutional lawyers at a time when they gave much more attention to the questions that come before the Senate, because there were fewer of them—it was said on the floor of the Senate that that change was a violent change in the Constitution, that there was no express power given by the States to do it, and that therefore it was unconstitutional. How much greater violence was done to the same Constitution when it was required that any man who represented a district must be a resident of that district. No

such requirement can be found in the Constitution or in the fourteenth amendment. That was a greater violence, and the predictions were more vehement than those of to-day that the operation of that provision would render the whole reapportionment unconstitutional. Yet we have had it, and we have had it for many years.

My answer to the claim of unconstitutionality is based somewhat upon the opinions of these two leading lawyers whose opinions are in the Record, and also upon this theory, that this is a political question, and that the Constitution gives to the Congress the right to decide political questions. There will be found in one of those opinions the remarks of Chief Justice Marshall on that subject; and it is well worth consideration, that having given to the Congress the jurisdiction over political questions, it does not lie in the Supreme Court of the United States to declare congressional action on such questions unconstitutional.

I am sure the lawyers here have read cases in the highest tribunals where the word "black" was interpreted to mean "white," and there can not be any greater variance in the construction of any word in the whole vocabulary of the English language than when "black" is construed "white." How easy, then, is it to say that the word "persons" refers to people who are citizens of the United States, taken in conjunction with the whole spirit of the Constitution of the United States, which brings forward in almost every part the fact that this is a government of our own people? It is not nearly as great violence to that meaning. It is a political question. It is a thing that is within the control of the Congress, and if we adopt this provision excluding aliens we not only comport with the implied meaning of the Constitution of the United States but we do not go against any express power, because the word "persons," as Mr. TUCKER has shown, is used some eighteen or twenty times in the Constitution, and means a different thing in almost every connection in which it is used.

Mr. WALSH of Montana. Mr. President—

The VICE PRESIDENT. Does the Senator yield to the Senator from Montana?

Mr. SACKETT. I yield.

Mr. WALSH of Montana. Does the Senator from Kentucky accept the view that the word "persons" in the clause of the Constitution of importance here means citizens?

Mr. SACKETT. I accept the view, if the Senator please, that if the Congress of the United States desires to say that the word "persons" means citizens, the Congress has a right to give it that interpretation, and the Supreme Court of the United States will not set it aside as unconstitutional, because it would declare it a political question.

Mr. WALSH of Montana. I did not intend to take any issue with the Senator in respect to the power of review in the courts; that is aside from the question. But if the Senator takes the view that the word "persons" in the important provision here means citizens, and that the word "citizens" may be substituted for "persons," then the Congress has violated the Constitution ever since the Government was established, because it has included aliens in the basis of representation.

Mr. SACKETT. I grant the Senator that that is the case, and it may be true that the Congress has violated the Constitution, and violated it unwittingly, because the question has not been brought directly before the Congress before. I take it that it is no argument to say that because it may have been violated before we should continue to violate it, if, in the judgment of the Congress of the United States, it is a wrong interpretation and does not comport with the spirit of our institutions.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. SACKETT. I yield.

Mr. BORAH. My sympathies are with the principle which the Senator is advocating, but he says there has been no construction of this word in these provisions of the Constitution. I find it has been construed from the beginning of the Government.

Mr. SACKETT. That may be. I am not arguing the law of the case, other than to give the facts as I am able to dig them out.

Mr. BARKLEY. Mr. President, will my colleague yield?

Mr. SACKETT. I yield.

Mr. BARKLEY. Does the Senator from Idaho contend that this particular language in this clause of this article and section of the Constitution has been interpreted?

Mr. SACKETT. I think we will let the Senator answer that in his own time. The word "persons" has been construed numerous times.

Mr. BARKLEY. The word "person" is used all through the Constitution.

Mr. SACKETT. And is construed differently as used in different sections.

Mr. BARKLEY. I do not understand that the word "persons," as used in this particular section, has been interpreted by the courts.

Mr. SACKETT. I have stated the layman's point of view, Senators, and those who come from rural States have an obligation to their people which they ought to be willing to fulfill under these conditions. Why should we put power into the hands of concentrated minorities of aliens, gathered together in the cities of this country, who have no stake in this Government? Why should we have them counted in order to know who is going to be sent to Congress, and how many are to be sent? Why should we change the power of the Congress from the rural communities, which need it most, to those parts of the country which are populated by a foreign, alien horde? Why do we not save this country for American citizens? We do not exclude a single one of these people who has come to our shores. Every one of them has the right to become a citizen of the United States. Propaganda is being carried on throughout this land in an effort to induce those people to become citizens, and if this interpretation is put upon the reapportionment bill, and it becomes necessary for them to become citizens in order for those people to be counted in fixing the representation, there will be a force and a power put behind the people bringing about Americanization; a political power which is not there to-day, the machinery of the great parties which want to have as much representation in the Congress as they can get, to urge upon these people, and insist upon it, that they declare themselves as to whether they are Americans or whether they are foreigners.

I do not believe that there will be any such reaction from this amendment that it will be declared unconstitutional in any court, because it is a political question and not a constitutional question. There is enough authority shown in the opinions I have cited, written by legal minds, and which are printed in the Record, to warrant Senators in taking every chance in preserving this country for the American people.

If Senators vote for this amendment affecting representation and the election of a President, which may become pertinent at any time, as it did in the Hayes-Tilden fight, when 5,000,000 aliens counted in the Electoral College might change the result from one party to the other—when that step has been taken; and when Congress has said to this country that we are going to have representation only for American citizens, there will not be any power in the land, it being a political question, which can upset the judgment of Congress.

I appeal to those from the rural communities, I appeal to those States which, like my own, have never had a great influx of foreigners, to preserve America for American citizens, in the only forum there is, a forum where every State is equally represented, where its vote counts as much as that of any other State, whether it has foreigners within its borders or whether it does not. I appeal to the Members of the Senate from those States to vote for this amendment, constitutional in fact and constitutional in law, and preserve this country for the people who made it great.

Mr. BRATTON. Mr. President, my sympathies are entirely with the views expressed by the Senator from Kentucky [Mr. SACKETT]. I should like very much to exclude aliens as contemplated by the pending amendment. I am dissuaded from supporting such amendment only by what I believe to be the plain mandate of the Constitution.

I dare say there is no Member of this body who feels otherwise than a desire to eliminate aliens from consideration in determining the basis of apportionment in the House of Representatives.

The Senator from Kentucky has advanced the argument that even though we may believe that aliens should be included, if we pursue a contrary course there is no way through which our action can be reviewed, because it is a political question and not a judicial one. Mr. President, that is no reason to do violence to the Constitution. The mere fact that we believe we can devise a way to depart from the Constitution and not have our action overturned is not or should not be an inducement to take the step.

The Senator from Kentucky has referred to two arguments made in the Chamber at the other end of the Capitol in support of the proposition that the word "persons" as used in the fourteenth amendment to the Constitution means "citizens" and does not include noncitizens or aliens. I have read each of those arguments with a great deal of interest, but after mature reflection I am unable to bring my views into accord with those expressed by the distinguished Members of the other body of the Congress, for each of whom I entertain the most profound respect. It is true that the word "persons" appears in the Constitution many different times and perhaps requires different interpretations, thus meaning that in determining our views

upon this provision we should consider the interpretation to be given to it as it is in the fourteenth amendment separated and apart from other provisions of the document. It is my opinion that the word "persons" as used in this particular amendment is defined in the first sentence of the amendment. It is in this language:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

The word "persons" is clearly defined; it is clearly limited by the language following it. It means those "born or naturalized in the United States and subject to the jurisdiction thereof. They are citizens of the United States and of the State wherein they reside."

"Persons" within the United States who were not born here or naturalized here or subject to the jurisdiction of the United States are "persons" but not "citizens" of the United States. Clearly the word "persons" is defined in the very first sentence of the section by limiting its inclusion in those individuals who were born here or naturalized here.

That view, in my opinion, needs no corroboration or substantiation; but the subsequent language in the section carries forward the thought that there is a distinction, indeed a well-defined distinction, between the two words "persons" and "citizens." After having defined the word "persons"—that is to say, after having limited it to include only those who were born or naturalized here, and in one or the other of those two ways subjected themselves to the jurisdiction of the United States to the exclusion of all other powers—the constitutional provision continues:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

There the Constitution is dealing with the guaranties and the protection accorded to citizens of the United States as previously defined in the section. As to citizens, the provision accords a certain degree of protection and guaranty, namely, that no State shall make or enforce any law which shall abridge the privileges or immunities to which they are entitled.

A different standard is set up by the provision with reference to others, namely, those who are not citizens of the United States—aliens. After having "accorded to citizens of the United States" the protection against any State passing any law which shall abridge their privileges or immunities, the constitutional provision continues:

Nor shall any State deprive any person of life, liberty, or property without due process of law.

Thus giving to "citizens" a different endowment under the Constitution to that bestowed upon other persons. As to "citizens," no State shall enact a law abridging their privileges or immunities. As to "persons," including the noncitizens or aliens, no State shall deprive them of life, liberty, or property without due process of law.

Mr. BARKLEY. Mr. President—

The PRESIDING OFFICER (Mr. SHORTEIDGE in the chair). Does the Senator from New Mexico yield to the Senator from Kentucky?

Mr. BRATTON. I yield.

Mr. BARKLEY. Under the interpretation of the Senator, the provision guaranteeing all persons from being deprived of life, liberty, and property without due process of law is not to be construed as being identical with the rights which the Senator attributes to all persons who are not to be denied the privileges and immunities enjoyed by citizens. Is that correct?

Mr. BRATTON. I do not know that I clearly understand the thought the Senator from Kentucky has in mind.

Mr. BARKLEY. One of the privileges of the citizen is the right to vote, of which he can not be deprived. The Senator does not contend that the provision of the Constitution denying the United States the authority to deprive persons of the privileges and immunities which citizens enjoy should be interpreted to entitle those persons to participation in the Government of the United States or any State to the extent enjoyed by citizens, does he?

Mr. BRATTON. No. That supports the thought I had in mind, that the Constitution itself draws a distinction between "citizens" and "persons" in that the term "persons" includes both citizens and noncitizens and sets up a higher standard of guaranty to citizens than that accorded to noncitizens.

Mr. BARKLEY. But that guaranty can not be interpreted, can it, to extend to any privilege of participation in the Government of the United States or of any State by those not citizens?

Mr. BRATTON. No.

Mr. BARKLEY. If it can not carry that privilege directly, how can it be said legally and constitutionally to carry it indirectly?

Mr. BRATTON. If the Senator from Kentucky will be patient with me, I shall be glad in the due course of my discussion to afford him my views, for whatever they may be worth.

Mr. BARKLEY. It does not require patience on the part of the Senator from Kentucky to listen to the Senator from New Mexico.

Mr. WALSH of Montana. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Montana?

Mr. BRATTON. I yield.

Mr. WALSH of Montana. Referring to the question addressed to the Senator from New Mexico by the Senator from Kentucky, the clause relating to "persons" other than "citizens" simply prohibits the depriving of life, liberty, or property, and the right to vote, of course, is not included in any one of those.

Mr. BARKLEY. Of course, I realize that; but the other clause, denying a State the power to deprive any person of those privileges and immunities—

Mr. WALSH of Montana. No; only citizens. The other clause relates only to depriving citizens of immunities and privileges. The clause provides, in the first place, that no State shall deprive any citizen of the United States of any privileges or immunities accorded to citizens of the United States, and the next clause provides that no State shall deprive any person of life, liberty, or property without due process of law.

Mr. BARKLEY. Of course, that is a humane provision which prevents any State from taking advantage of any human being who might be within its borders, but that can not be interpreted as having reference to the right to vote.

Mr. WALSH of Montana. Of course, the right to vote does not fall within the definition of "life, liberty, or property."

Mr. BARKLEY. Of course.

Mr. BRATTON. Mr. President, inasmuch as I am speaking under a limitation of time I shall ask to be permitted to proceed.

The PRESIDING OFFICER. The Senator from New Mexico declines further to yield.

Mr. BRATTON. When the Senator from Kentucky interrupted me I was discussing the constitutional provision which sets up a different and a higher standard as to citizens and grants to them added privileges, enjoyment, and endowments than those granted to noncitizens. The illustration suggested by the Senator from Kentucky emphasizes it. A person who is not a citizen of the country is merely protected as to his life, liberty, or property, and is given the assurance that he shall not suffer interference as to either of those things without due process of law. A political right is not one involving life, liberty, or property. Consequently that emphasizes and supports the contention which I had in mind, that the language of the fourteenth amendment itself clearly demonstrates that those who proposed the amendment and those who ratified it had in mind a distinction between the two words.

Continuing, after it is said in the Constitution that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States nor shall any State deprive any person of life, liberty, or property without due process of law," it is provided—

Nor deny to any person within its jurisdiction the equal protection of the laws.

The provision itself at its very outset defines the word "citizens" by saying that it includes those persons who were born or naturalized in the United States and subject to the jurisdiction thereof. Those persons are citizens. A person who is born here is subject to the laws of the State. A foreigner who comes here and becomes naturalized in the prescribed manner thereby subjects himself to the jurisdiction of the Nation. Others are not citizens within the purview of the first section of the fourteenth amendment.

Let us turn now to the second section, the one which is directly in question. The whole amendment however must be considered together because of the well-recognized rule of construction applicable to constitutional or statutory provisions that the whole provision or the whole act and every part thereof must be taken into consideration in determining the intent, purpose, and the object of the law-making body. So that under the indisputable rule of construction the first section of the amendment must be taken into consideration in interpreting the second section of it. I quote:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

Mr. GEORGE. Mr. President, will the Senator let me ask him a question at that point?

Mr. BRATTON. Certainly.

Mr. GEORGE. I want to preface it with this statement. I have not entirely reached my own conclusion about the question that is presented now to the Senate. I can very well understand, of course, that the word "citizens" is defined in the first section of the fourteenth amendment and also that there is a distinction between "citizens" and "persons." I can very well understand and appreciate why "persons" were included in the guaranty of the "due process of law."

What I want to ask the Senator—because it will be very helpful to me to have an answer—is just why and upon what reasoning the framers of the fourteenth amendment desired to include aliens in the word "persons" when providing for apportionment? What was the reason for that?

Mr. BRATTON. Perhaps, Mr. President, it was upon the theory that aliens were subject to taxation in this country and consequently were entitled to representation as a corresponding right accompanying that obligation. A foreigner has always been subject to taxation upon his property; he must pay an ad valorem tax; he must pay an income tax; he must pay every ordinary species of property tax the same as a citizen of this country. I dare say that it was felt by the framers of the fourteenth amendment that, although a foreigner could not vote, could not voice his sentiments in elections, nevertheless, so long as he was compelled to pay tribute to the Government through taxation, he was entitled to be represented. That may be buttressed by the express exemption of Indians not taxed. They pay no tax and therefore should not be taken into account in fixing the basis of representation.

Mr. REED. Mr. President, will the Senator permit an interruption?

Mr. BRATTON. I yield.

Mr. REED. In the memorandum put into the RECORD Thursday night by the Senator from Michigan [Mr. VANDENBERG] it is shown that at the time of the adoption of the fourteenth amendment propositions were made to substitute the word "citizens" for the word "persons" and to substitute the word "voters" for the word "persons," and that in both cases those propositions were resisted because of the statement that it would change the basis of taxation and would deny consideration to about 2,000,000 aliens then living in the United States. So the selection of that word seems to have been a deliberate choice made at that time.

Mr. BRATTON. I thank the Senator from Pennsylvania for that suggestion.

Mr. JOHNSON. Mr. President, may I supplement what the Senator from Pennsylvania has said by a reference, unless it has already been observed by the Senator from Georgia, to the Congressional Globe of the Thirty-ninth Congress, first session, where the question is discussed and the reasons, as stated by the Senator from Pennsylvania, given for the particular language used?

Mr. BRATTON. I yield to the Senator from California for that purpose.

Mr. JOHNSON. I quote from the Congressional Globe as follows:

The joint committee on reconstruction adopted a resolution expressly proposing apportionment according to the number of citizens in each State and then substituted a provision apportioning direct taxes and Representatives on the basis of the number of persons in each State, excluding Indians not taxed.

Mr. Conkling, when the question was before the House, distinctly made the point that "persons" included aliens, and Mr. Wilson, in the Senate, distinctly made the point that they should be included in the enumeration, for without their inclusion 2,000,000 people would be eliminated in the enumeration.

Mr. BRATTON. Mr. President, I thank the Senator from Pennsylvania [Mr. REED] and likewise the Senator from California [Mr. JOHNSON] for their respective observations. I have not had the time to read the memorandum inserted in the RECORD on Thursday afternoon by the Senator from Michigan [Mr. VANDENBERG], but the facts stated both by the Senator from Pennsylvania and the Senator from California accord with my recollection about the matter, namely, that the two words were discussed and the substitution of the word "citizens" for the word "persons" was successfully resisted, thus clearly showing that the lawmaking body itself appreciated the distinction between the two, in that the word "persons" was larger and more inclusive than the word "citizens" in that it included both citizens and noncitizens who might be in the country.

That fact, coupled with the fact that all previous Congresses dealing with the subject of apportionment have regarded the

word "persons" as including both citizens and aliens, with the additional fact that the language upon its face appears to be clear and plain, denoting a difference between the meaning of the two words. All three factors taken into account in forming the equation, it seems to me to lead to the conclusion that the word "persons" includes aliens and that the Congress would do violence to the Constitution if it departed from that construction.

Mr. President, at the time of the valuable interruption by the Senator from Georgia, the Senator from Pennsylvania, and the Senator from California I was addressing myself to section 2 of the fourteenth amendment, reading in this language:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

The exclusion written into the second section of the amendment lends added force to the view that the lawmaking body understood that the word "persons" included those who were not citizens, because Indians not taxed were not citizens; and, consequently, if the word "persons" only embraced citizens, it did not include Indians, and there was no occasion for writing an exclusion in the act. Furthermore, if the word "persons" only embraced citizens, the exclusion was merely tautology, a construction which is not indulged in dealing in constitutional or statutory provisions.

Why did the lawmaking tribunal exclude Indians not taxed if it was understood that the word "persons" as there used embraced only citizens and excluded noncitizens? An Indian was not a citizen at that time. We are all agreed that Indians were not citizens when the amendment was adopted. I believe it was submitted in 1866 and ratified in 1868. That is my memory of the dates.

The Supreme Court of the United States in the case of *Elk v. Wilkins* (112 U. S. 94), in discussing the status of Indians, said:

Indians born within the territorial limits of the United States, members of, and owing immediate allegiance to, one of the Indian tribes (an alien, though dependent power), although in a geographical sense born in the United States, are no more "born in the United States and subject to the jurisdiction thereof," within the meaning of the first section of the fourteenth amendment, than the children of subjects of any foreign government born within the domain of that government, or the children born within the United States of ambassadors or other public ministers of foreign nations.

In other words, the court placed Indians upon the same basis as aliens, foreigners, those who owe allegiance to another government. Yet the framers of the Constitution saw fit to exclude that type of aliens from the second section of the amendment, clearly and conclusively indicating that they understood that Indians were included in the general phraseology, and consequently it was necessary to exclude them by an express provision. Dealing with a class of aliens and excluding them by express language flies in the face of the view that it was understood or contemplated that all aliens were excluded from the purview of the fourteenth amendment.

Mr. SIMMONS. Mr. President, from what was the Senator reading?

Mr. BRATTON. I was reading from a decision of the Supreme Court of the United States rendered in the case of *Elk v. Wilkins* (112 U. S. 94). The court continued:

This view is confirmed by the second section of the fourteenth amendment, which provides that "Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed." Slavery having been abolished, and the persons formerly held as slaves made citizens, this clause fixing the apportionment of Representatives has abrogated so much of the corresponding clause of the original Constitution as counted only three-fifths of such persons. But Indians not taxed are still excluded from the count for the reason that they are not citizens.

They are excluded from the count for the reason that they are not citizens, in what way? By an expressed exclusion, indicating that the constitutional body desired to exclude one type of aliens. That is wholly at variance, wholly at war, squarely in the face of any idea that they understood that all aliens were already excluded. It would have been superfluous, it would have been tautology to exclude one type of persons already excluded.

We are all familiar with the rule of construction that when the legislative or lawmaking body has before it a general term and the subject of exceptions as applied to that term and it excepts one class from the operation of the general terms, it does not desire to except or exclude any other class. That is a

rule which is well recognized. It is stated tersely in a ruling case law, from which I read in this language:

It is well settled that an exception in a statute amounts to an affirmation of the application of its provisions to all other cases not excepted and excludes all other exceptions.

In other words, when one class of noncitizens was expressly excepted in the provision—

The VICE PRESIDENT. The time of the Senator from New Mexico has expired on the amendment. He has 30 minutes on the bill.

Mr. BRATTON. I thank the Vice President. In other words, when the lawmaking body expressly excepted one class of noncitizens from the operation of the constitutional provision dealing with the basis of apportionment it amounted to an affirmation that all other classes of aliens should be included. That rule of construction has been adopted by virtually every court in the land from the Supreme Court of the United States down.

So, Mr. President, when we consider the fourteenth amendment from its four corners, beginning with the definition of the word "citizens," contained in the first sentence, and concluding with the last relevant sentence, which excludes one type of noncitizen from the word "persons," amounting to an affirmation that all other types of noncitizens shall be included, it seems to me there is little room for argument that the word "persons" is synonymous with the word "citizens," and that the two words may be used interchangeably without difference or distinction. Likewise, I think we should be persuaded by the unbroken interpretation accorded it by previous Congresses. As I understand, all previous Congresses, in approaching the subject of apportionment, have construed the amendment to include noncitizens or aliens. We are asked now to adopt a contrary interpretation. We are asked to overturn the construction heretofore adopted; and although my sentiments run strongly in that direction, although my emphatic preference is to exclude aliens, although I desire that very much, I am persuaded that the Constitution forbids that we take that course. Like every other Member of this body, I shall follow what I believe to be our constitutional duty and obligation.

Mr. President, I shall not take the time of the Senate longer. The views I have expressed are based upon a cursory examination of the language employed, measured by well-recognized rules of interpretation. While I recognize the rule that words will be expanded or contracted that they will be given a liberal or a rigid interpretation, in order that they may comport with the general context of the provision in which they are found, I think that rule leads to the conclusion that the only interpretation of the word "persons" and the word "citizens," as those two words are found in this context of this provision is that the word "persons" is all inclusive and means both citizens and noncitizens. If that be correct, we have not the constitutional power to disregard aliens in fixing the basis of representation in the other body of the Congress.

Mr. FRAZIER. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from North Dakota?

Mr. BRATTON. I yield to the Senator from North Dakota.

Mr. FRAZIER. I was not in the Chamber all the time the Senator was speaking; but I should like to have the Senator's opinion as to whether or not the provision in the Constitution providing for not counting Indians not taxed is applicable at the present time, after the legislation of a few years ago making all Indians citizens?

Mr. BRATTON. Yes; I think it is applicable to this extent: It is applicable as determining what the framers of the Constitution had in mind when they used the words "persons" and "citizens."

Mr. FRAZIER. I mean, in regard to Indians at the present time.

Mr. BRATTON. They were dealing with conditions as they then existed. Indians were not then citizens. They were not taxpayers unless they severed their tribal relations and went out into civil life, a voluntary act. In construing the language "Indians not taxed," as we now find it in this provision, we must bear uppermost in mind what the framers of the Constitution had in mind at the time they employed the two words "persons" and "citizens." In other words, in defining a word, a term, or a phrase found in a Constitution or a statute, the controlling rule is to arrive at the meaning of the law-making body at the time the law was enacted. So, in doing this, we must put ourselves in the position of the law-makers at the time the amendment was submitted, and take their view of the situation, that is what they had in mind, and what they meant. Of course, they had in mind the status of Indians as they then existed.

Mr. FRAZIER. But the status of the Indians has changed under this provision giving them citizenship.

Mr. BRATTON. Yes; but, Mr. President, the controlling rule of construction is not what we think the use of the word should be now. It is what the framers thought, and how they used it at the time they employed it in 1866 and at the time the amendment was ratified in 1868. That should govern us in construing the Constitution—what was meant at the time, and how the terms were employed; that is contemporaneous conditions as bearing upon what was meant by the use of the two words. Perhaps if we were now submitting a constitutional amendment, having in mind the fact that the Indians were granted citizenship a few years ago, we might employ different terms from those used in the amendment; but that does not change the proper meaning of the words as we now find them in the Constitution.

Mr. FRAZIER. One of the decisions the Senator read in regard to the Indians stated that they were not citizens.

Mr. BRATTON. Yes.

Mr. FRAZIER. But at the present time they are citizens.

Mr. BRATTON. Yes.

Mr. FRAZIER. And subject to taxation.

Mr. BRATTON. Yes; in a sense, but at that time they were not citizens; and yet the framers of the Constitution thought it was necessary to exclude them from the basis of representation, or they would not have written the exclusion in the Constitution. If the word "persons," as then used, meant only "citizens," there was no occasion in the world for excluding Indians, because they were not citizens and were excluded already by the general term "persons." On the contrary, if it was understood that the word "persons" was broad enough to include both citizens and Indians, and consequently it was necessary to exclude the Indians, it indubitably follows that the word "persons" included all other aliens, because they were not expressly excluded. Do I make my meaning clear to the Senator?

Mr. FRAZIER. I think I get the Senator's explanation; but it seems to me, under the provision which made the Indians citizens, that they are subject to taxation, and many of them are taxed, of course, and they vote in most of the States. They are eligible to election to any State or National office; and it would seem mighty strange, under those conditions, not to include them in the count for apportionment.

Mr. BRATTON. Mr. President, of course, the Senator will agree with me that in construing this constitutional amendment we must adhere to the views entertained at the time the amendment was proposed and adopted; that is, we must endeavor to ascertain what was intended at that time. That is what was proposed and the people accepted, and we must carry it out; and in arriving at their intention we must keep in mind that the Indians were not citizens nor taxpayers, and that the framers of the Constitution understood that unless they excluded them they would be included; and so they excluded them by express language, which virtually said that "unless they are excluded we understand that they are included."

Mr. CONNALLY and Mr. DILL addressed the Chair.

The VICE PRESIDENT. Does the Senator from New Mexico yield; and if so, to whom?

Mr. BRATTON. I yield to the Senator from Texas.

Mr. CONNALLY. May I ask the Senator from New Mexico if an Indian had been born in one of the States of the United States under the Constitution, would he not have been a citizen but for this exclusion?

Mr. BRATTON. No. Indians at that time, by virtue of their peculiar status, owing allegiance to their tribes, occupied a peculiar position in our make-up of civilization. They were not citizens. They were wards of the Government. Consequently, we found it necessary to pass an act some three or four years ago according them citizenship. Prior to that time they were not citizens.

Mr. DILL and Mr. CARAWAY addressed the Chair.

The VICE PRESIDENT. Does the Senator from New Mexico yield; and to whom?

Mr. BRATTON. I yield to the Senator from Washington.

Mr. DILL. Are they to be counted now? That is the question that I thought the Senator from North Dakota was asking.

Mr. BRATTON. Undoubtedly they are to be counted now, unless they are exempt from taxation.

Mr. DILL. But they are citizens, and can not be taxed. Shall they be counted?

Mr. BRATTON. Yes; they are to be counted now, because they are citizens now.

Mr. CARAWAY. Mr. President—

The VICE PRESIDENT. Does the Senator from New Mexico yield to the Senator from Arkansas?

Mr. BRATTON. I do.

Mr. CARAWAY. Let me ask the Senator a question: What is the significance of the expression "not taxed"? Now, aliens may be taxed. Were they trying to exclude a man who was not entitled to vote because of that fact, or was it because of the peculiar relation of the Indians to this country, and the fact that under their treaty arrangements they could not be taxed? Was not that the reason why they excluded the Indian—not because he was not a citizen but because, under his form of government and under his treaties, he was not taxed and could not be taxed?

Mr. BRATTON. That is my view. He was excluded because he did not pay tribute to the Government in the form of taxation.

Mr. CARAWAY. Absolutely. That was the reason why they made the exception, because he was not taxed.

Mr. BRATTON. Whereas any other alien was subject to taxation, did pay taxes, and consequently was entitled to be taken into consideration in determining the basis of apportionment.

Mr. WALSH of Montana obtained the floor.

Mr. FESS. Mr. President, will the Senator yield to me?

Mr. WALSH of Montana. For what purpose?

Mr. FESS. In order that I may make a point of no quorum.

The VICE PRESIDENT. Does the Senator yield for that purpose?

Mr. WALSH of Montana. I do.

Mr. FESS. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Fess	Johnson	Sheppard
Barkley	Fletcher	Jones	Shortridge
Bingham	Frazier	Kean	Simmons
Black	George	Kendrick	Smith
Blaine	Gillett	Keyes	Smoot
Blease	Glass	King	Stephens
Borah	Glenn	La Follette	Swanson
Bratton	Goff	McKellar	Thomas, Idaho
Brockhart	Goldsbrough	McMaster	Thomas, Okla.
Broussard	Gould	McNary	Trammell
Burton	Greene	Norbeck	Tydings
Capper	Hale	Norris	Vandenberg
Caraway	Harris	Nye	Walcott
Connally	Harrison	Oddie	Walsh, Mass.
Copeland	Hastings	Overman	Walsh, Mont.
Couzens	Hatfield	Patterson	Warren
Cutting	Hawes	Pine	Waterman
Dale	Hayden	Pittman	Watson
Deneen	Hebert	Reed	Wheeler
Dill	Heflin	Robinson, Ind.	
Edge	Howell	Sackett	

The VICE PRESIDENT. Eighty-two Senators have answered to their names. There is a quorum present.

Mr. WALSH of Montana. Mr. President, I realize that it is a work of supererogation to say anything further upon this question of the constitutionality of the amendment offered by the Senator from Kentucky after the clear and persuasive argument of the Senator from New Mexico [Mr. BRATTON], but if any doubt remains in the mind of any Senator upon the question, I am sure it will be resolved by reading the brief opinion by the law assistant of the Legislative Reference Bureau put in the RECORD two days ago by the Senator from Michigan [Mr. VANDENBERG] and found at pages 1821 and 1822 of the RECORD.

I presume everyone will agree that the word "persons" in the fourteenth amendment, in the applicable constitutional provision, must be given exactly the same construction as the similar word "persons" in the Constitution itself. If this were a question of an amendment to the Constitution of the United States in terms such as those of the amendment proposed by the Senator from Kentucky, it would be difficult to advance any very persuasive argument against the change suggested by him. Of course, conditions have changed vastly since the Constitution was adopted in 1789 and have changed vastly within the last 20 years, but this is no proposal to amend the Constitution of the United States; that is, not nominally so.

I want to read just a paragraph from the opinion of Mr. Turney, the law assistant of the Legislative Reference Bureau, referring to the consideration of this subject in connection with the adoption of the resolution for the fourteenth amendment. It is as follows:

That the fourteenth amendment was framed with the intention of including aliens is indicated by the rejection by the Congress of proposals to base representation on the number of citizens and on the number of voters. Several resolutions were introduced in the Senate and House basing representation on voters (Cong. Globe, 39th Cong., 1st sess., pp. 9-10, 535, 2804). The House Committee on Reconstruction adopted a resolution expressly proposing apportionment according to the number of citizens in each State (Reconstruction Committee Journal, p. 9), and then substituted a provision apportioning direct taxes and Representatives on the basis of the number of persons in

each State, excluding Indians not taxed (Ibid. p. 10). When the matter was before the House Mr. Conkling, who had proposed the substitute in committee, gave the following reasons: (1) Because "persons," not "citizens," had always constituted the basis; (2) because it would narrow the basis of taxation on account of the unequal number of aliens in the several States; (3) because many of the States held representation in part by reason of their aliens, and the legislatures and people of such States would not ratify an amendment which would reduce their representation. (Cong. Globe, 39th Cong., 1st sess., p. 359.) In the Senate Mr. Wilson gave as his reason for opposing the substitution of "voters" for "persons" that it would strike more than 2,000,000 unnaturalized foreigners from the basis. (Cong. Globe, 39th Cong., 1st sess., p. 2986.) These statements show beyond question a contemporaneous legislative construction of the word "person" as inclusive of aliens, and an intention by its use to continue that meaning.

Mr. President, the subject was considered in the House, and reference has been made to an address made by Mr. HARRY ST. GEORGE TUCKER, a Representative from the State of Virginia. Of course, everyone who has the good fortune to enjoy any acquaintance with Mr. TUCKER knows him to be a very earnest and discriminating student of the Constitution, and his views upon these questions are entitled to the very highest respect. The question is as to whether the word "persons" in the applicable provision of the Constitution, whether the original Constitution itself is considered, or whether the fourteenth amendment is considered, is to be read as "citizens." Thus:

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.

The argument is made by Mr. TUCKER that the word "persons," appearing in various provisions of the Constitution, has received different constructions, that the word means different things in different places. It is argued that in every other place in the Constitution, or in nearly every other place, the word "persons" means citizens, and means nothing but citizens, and therefore he argues it is at least matter of doubt, as I understand him, whether it does not mean citizens in this particular applicable provision of the Constitution.

I am not able at all to accept the reasoning of Mr. TUCKER with respect to that. He says, for instance:

In the fifth amendment to the Constitution the word "person" is found twice, which includes citizens and all others, the courts having so determined it, not only in this amendment, but in the fourteenth amendment also, on the subjects referred to above.

I might pause to say here that in the memorandum to which I have referred, reference is made to the fact that in the fourteenth amendment, where the word occurs a number of times, it has been construed to include aliens as well as citizens. It has also been adjudicated repeatedly by the Supreme Court that the fourth and fifth amendments to the Constitution, which use the word "persons," include aliens as well as citizens; for instance, that provision of the amendment providing that no person shall be deprived "of life, liberty, or property without due process of law." Mr. TUCKER continues:

In Article I, section 2, clause 2, the word "person," from the context, clearly means citizen. The same is true in Article I, section 3, clause 3.

Article I, section 3, paragraph 3, prescribes the qualifications for United States Senator, and reads:

No person shall be a Senator who shall not have attained the age of 30 years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

Obviously, Mr. President, the word "person" there does not mean citizen, as contended by Mr. TUCKER, because it contemplates some class other than citizens, for it provides that no person shall be a Senator unless he is a citizen, and consequently the word "person" must be more inclusive than the word "citizen."

He refers again to Article I, section 2, paragraph 2, which is the provision of the Constitution prescribing qualifications for Members of the House of Representatives, which reads:

No person shall be a Representative—

"No person," observe—

No person shall be a Representative who shall not have attained to the age of 25 years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Clearly, out of all people who would come under the denomination "persons," there is a certain class taken who alone can be Members of the House of Representatives.

So far from these provisions of the Constitution indicating that the word "persons" is confined to citizens, these provisions clearly demonstrate that in them, at least, the word "persons" is more inclusive than is the word "citizens."

Mr. SACKETT. Mr. President—

The PRESIDING OFFICER (Mr. EDGE in the chair). Does the Senator from Montana yield to the Senator from Kentucky?

Mr. WALSH of Montana. I yield.

Mr. SACKETT. I want to ask a question at that point. The Senator would think that the word "persons" there might refer to persons living in Europe at the time. That word would not confine the provision to somebody simply because he happened to be in the United States. It would cover everybody. The word "person" would be equivalent to saying "no one."

Mr. WALSH of Montana. Certainly; "no one in the world can be a Representative unless he is a citizen of the United States."

Mr. SACKETT. Another question I desired to ask was this, the use of the word "persons" in the amendment about which we were talking must be limited to somebody who is at least in the United States, to be counted. The Senator would not want to count one if he were in Canada. It would have a different meaning in one place from the other. One expression would be much wider than the other.

Mr. WALSH of Montana. We are not to take an enumeration of Canada.

Mr. SACKETT. I know we are not.

Mr. WALSH of Montana. We are to take an enumeration of persons in the United States.

If the Senator will attend, I will read the provision:

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers—

The numbers of the people in the respective States; and then it continues—

which shall be determined—

What shall be determined? That is, the numbers in the respective States shall be determined—

by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. GEORGE. I am not taking issue with the Senator's general position, but I do not think the Senator is quite accurate in saying that the word "person," where the qualifications of a Member of the House of Representatives or of a Senator are prescribed, means "citizen."

May I suggest to the Senator that the word "persons" there must of necessity mean "citizens," and it was not used for the purpose of indicating that it was inclusive of some noncitizen there, but it means a citizen for several years—nine years. "Citizen" is uppermost there, but the length of his citizenship is the thing.

Mr. WALSH of Montana. The Senator would have it read, then:

No citizen shall be a Representative who shall not have attained the age of 25 years and been seven years a citizen of the United States.

If the word "persons" in section 2 of the paragraph is to read "citizens," then we have it reading this way:

No citizen shall be a Representative who shall not have attained to the age of 25 years.

Mr. GEORGE. That is exactly what it does mean—that there must have been seven years and nine years of citizenship. The fact that he had been a citizen one year was not sufficient. That is exactly what it means, with all respect to the Senator.

Mr. WALSH of Montana. But that particular language never would have been adopted, because it would have been sufficient to say that one must have been at least 25 years of age and seven years a citizen of the United States.

Mr. GEORGE. It might have been perfectly possible to have framed it in a different way from this language, but what they meant to indicate was undoubtedly that "persons" referred exclusively to the citizen, but a citizen having a citizenship of a specific duration.

Mr. WALSH of Montana. Of course, if he was a citizen for seven years he must have been a citizen for one year.

Mr. BARKLEY. Not only that, but he must have been a citizen of the State from which he was elected.

Mr. WALSH of Montana. No; an inhabitant of the State.

Mr. BARKLEY. He certainly could not have been elected to the United States Senate or the House of Representatives unless he was a citizen. In that sense the word "inhabitant" must mean a citizen.

Mr. WALSH of Montana. The word in the Constitution is "inhabitant" and not "citizen." But that is a matter of no very great consequence, as I view it. Either the word "persons" in the original Constitution or the amendment means "citizens" and is restricted in its meaning to citizens, or it includes aliens as well as citizens. I think there can be no escape from that conclusion. If it does include more than citizens, I think everybody will agree that we have no power to restrict representation to citizens alone. It becomes necessary, in order to establish the validity of the amendment, to make the contention and to uphold the contention that the word "persons" may be read "citizens" and should be read "citizens," so it would read:

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free citizens, including those bound to the service for a term of years, and excluding Indians not taxed, three-fifths of all other citizens.

That would be quite absurd because the negroes were not citizens of the United States, but they were "persons" within the meaning of the Constitution. "Three-fifths of all other persons," of course, everybody realizes referred to negroes, referred to slaves—indeed, it referred specifically, of course, to slaves; so that the word "persons" where the word occurs last in the clause referred to people who were not citizens, but they were to be counted, and they were to be counted as "persons." Obviously one signification can not be given to the word "persons" where it first occurs referring to free persons, and an entirely different signification given to it where it subsequently occurs in the same paragraph, indeed, in the same sentence.

Mr. BARKLEY. I do not want to consume the Senator's time, but I should like to ask him this question bearing upon the probable intent of the framers of the original provision. We must take the Constitution as a whole, and especially those parts that dovetail into each other. This section not only involves the question of representation in the House of Representatives but it involves also indirect power given to aliens in the election of a President of the United States through the Electoral College. If the framers of the Constitution had devised a different method of electing the President, say, for instance, giving the people a right to vote directly for President, no one, I think, would contend that they would have conferred that power upon aliens not citizens.

Mr. WALSH of Montana. I dare say.

Mr. BARKLEY. So that if they had provided for the election of President by direct vote they would not have given the alien any direct power in the election count, and it is likewise apparent that they did not intend to give him an indirect power to elect a President through the means of the Electoral College.

Mr. WALSH of Montana. I do not conceive they were given any power. That is not the point at all. This gives to each State certain Representatives, and it is simply a method of determining how many Representatives shall be given to each State.

Mr. BARKLEY. It is a method of determining how many votes they shall have in the election of President.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. TYDINGS. Each State has two Senators, so the theory of the Government was not altogether that every person should have a vote but that it should be a Government of the States as well as of individuals, and we would not all be here, two of us representing a State, if the idea of the Senator from Kentucky had been written into the Constitution.

Mr. BARKLEY. But we are here, two from each State, regardless of population. The question of apportionment does not involve the Senate.

Mr. TYDINGS. No; but it does involve the election of the Members of the House of Representatives.

Mr. WALSH of Montana. I do not think this calls for any extended discussion, but if there remains in the mind of any Senator any doubt upon the question at all it ought to be dissolved upon the consideration that from the beginning of our Government the construction has been given to the word "persons" which the context obviously intended it should have, to include people other than citizens of the United States, because every apportionment that has ever been made has been made upon the basis of the census returns of the total population of the various States.

If the contention now urged upon us is correct, then every Congress which apportioned the Representatives upon the basis of all persons, whether they were aliens or citizens, has violated the Constitution of the United States. The very framers of the Constitution themselves, who became Members of both Houses of Congress immediately thereafter, were guilty of a violation of the Constitution in basing the apportionment in the House of Representatives upon the total population regardless of whether they were citizens or aliens. We can not concede that the men who left the Constitutional Convention in 1789 and went immediately into the Congress as Representatives in one branch or the other—James Madison, for instance, who had more to do with framing the Constitution than any other man—and participated in an apportionment of the Members of the House of Representatives upon the basis of the returns of the census of 1790, either misunderstood or deliberately violated the terms of the instrument they gave to us as the foundation of our Government.

Mr. BARKLEY. My opinion is that the first two censuses taken after the adoption of the Constitution directed that they should be taken according to inhabitants, which may be an entirely different thing from "persons."

Mr. WALSH of Montana. I trust no one will confuse the question of taking a census with making an apportionment. A census obviously would take note of every inhabitant. That is not the question. The question is upon what basis is the apportionment made, and the apportionment is made upon the basis of the inhabitants, excluding Indians not taxed.

Mr. BARKLEY. But the word "inhabitant" does not always mean the same as the word "citizens," because an inhabitant of a State is one who has permanent habitation there, and a person may be a man passing through temporarily.

Mr. WALSH of Montana. It does not make any difference about that. The apportionment was made upon the number of inhabitants and not upon the number of citizens.

Mr. BARKLEY. No; upon the number of persons, unless it be said that a "person" and "inhabitant" mean in all cases identically the same thing.

Mr. WALSH of Montana. The apportionment was made upon the census, which obviously included more than citizens.

Mr. BARKLEY. And more than inhabitants, because it might include persons temporarily located in the community.

Mr. WALSH of Montana. Whatever it was, it included something more than citizen.

Mr. GEORGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Georgia?

Mr. WALSH of Montana. I yield.

Mr. GEORGE. I do not think there can be any doubt but what the word "persons" is broad enough to include the alien who may be a resident, but I do not conceive that to settle the question necessarily. In the Senator's opinion, does it necessarily include all aliens resident?

Mr. WALSH of Montana. By no means. I fully agree with the Senator that under certain circumstances and in peculiar conditions the word "persons" may be restricted in its meaning to citizens.

Mr. GEORGE. But I mean with reference to apportionment. I fully agree that the word "persons"—and I have no difficulty in arriving at the conclusion—is quite broad enough to include aliens, and I think from the discussion that went on over the framing of the fourteenth amendment that that might be the case; but does it necessarily include aliens when we are called upon to apportion?

Mr. WALSH of Montana. It seems to me obviously so.

Mr. GEORGE. Then this practical question: Would it include an alien who had been here for a day or a week?

Mr. WALSH of Montana. Undoubtedly, if he is enumerated. Of course, the Senator will understand that casual and passing aliens are not included in the enumeration.

Mr. GEORGE. Why would they not be? Why might they not be included?

Mr. WALSH of Montana. Because we take a census of the inhabitants. We do not include members of the embassy corps here.

Mr. GEORGE. I know we do not.

Mr. WALSH of Montana. It never was intended that we should include them.

Mr. GEORGE. Otherwise I would feel very much impelled to say that, taking into consideration the whole purpose of an apportionment for Representatives in one branch of the Congress to make the laws for the people of the country, they should be included—

Mr. WALSH of Montana. In the enumeration?

Mr. GEORGE. No; for apportionment purposes.

Mr. WALSH of Montana. I am inclined to think I would agree with the Senator if it were a question addressed to us, but it is quite aside from the question now before us.

Mr. GEORGE. I understand that; but the difficulty is, if it is mandatory in making the apportionment that we take aliens as coming within the word "persons"—if that is thrust upon us as a constitutional mandate or requirement—would it take all aliens or would it take all here or who happened to be here at the time the enumerator went through, or would there be any line drawn?

The PRESIDING OFFICER. The Chair advises the Senator from Montana that his time has expired on the amendment, but he still has 30 minutes remaining on the bill.

Mr. WALSH of Montana. I thank the Chair.

Referring to the inquiry addressed to me by the Senator from Georgia [Mr. GEORGE] about the case of an alien who happened to be here a day, that is a situation that may arise at any time in connection with the enumeration in a particular city. I may go up to the city of New York and happen to be there when the enumerator comes around, but he does not enumerate me; he has no right to do so. His duty is to enumerate the inhabitants of the city of New York; that is to say, those who have something in the nature of a permanent residence in that city. So with the man who comes to this country. If he has been here only for a day, but has actually established a residence here, he goes into the enumeration.

Mr. President, I said I did not regard this matter as calling for any extended debate. It seems to me that the language of the Constitution is perfectly plain. It has received the same construction from the day of the fathers down to this day; that is to say, it has always been held that the word "persons" in the Constitution is not confined to citizens but includes as well aliens who happen to be within our bounds; and the apportionment has always been made upon that basis. In other words, there has been not only a contemporaneous but also a continuous construction of the Constitution to that effect.

Mr. BARKLEY. Mr. President, will the Senator from Montana yield at that point?

The PRESIDING OFFICER (Mr. Fess in the chair). Does the Senator from Montana yield to the Senator from Kentucky?

Mr. WALSH of Montana. I yield.

Mr. BARKLEY. The construction to which the Senator from Montana refers, however, has, I understand, been merely a negative construction, by reason of the fact that Congress has not excluded aliens. There has been no decision of any court interpreting for apportionment purposes the word "persons," as found in the constitutional provision, to mean all persons. As I understand, that question has never been passed on by the courts.

Mr. WALSH of Montana. The Senator will perfectly understand, as pointed out by the Senator from Kentucky, that there is no way of getting an adjudication of the courts on the question.

Mr. BARKLEY. I appreciate that and agree to that suggestion.

Mr. WALSH of Montana. And accordingly it is not strange that there has been no adjudication.

Mr. BARKLEY. It has not been and can not be a matter of judicial construction, and there has been only a negative construction, because Congress has not heretofore dealt with the question.

Mr. WALSH of Montana. But let me say to the Senator, if it were possible, the court would be obliged to determine the question upon the legislation that Congress has already enacted, by which the apportionment is based upon the entire population, including aliens.

Mr. BARKLEY. Not necessarily so, because there has been no judicial procedure in which that question has ever been brought before the courts.

Mr. WALSH of Montana. Exactly. The Senator says it could not be raised because the question has not been presented by any legislation heretofore enacted; but I assert that the question is presented by legislation heretofore enacted, and if it could get into the court, the court would be obliged to determine whether representation based upon the entire population is not in fact in violation of the Constitution.

Mr. BARKLEY. The statute of limitations does not confine Congress with reference to the construction of a question of this sort by reason of past history, and neither does the charge of laches lie at the door of Congress, because the question has not been raised before. So the mere negative suggestion that the question never has been raised in connection with the basis of apportionment does not bind the Congress.

Mr. WALSH of Montana. Everybody agrees that the question has never been decided by the court and never can be decided by the court, so far as I can now see. There has been no controversy about the matter, either one way or the other, except in the Congress of the United States, where alone it can be considered. When it was considered in connection with the adoption of the fourteenth amendment everybody, apparently, agreed that the word "persons" did include aliens as well as citizens.

Mr. BARKLEY. They based that interpretation upon their conception of what the framers of the Constitution had in mind originally in using the same language.

Mr. WALSH of Montana. Quite probably.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Idaho?

Mr. WALSH of Montana. I yield.

Mr. BORAH. I am interested in the suggestion as to whether or not this question has ever been tested in the courts. Do I understand the Senator from Montana to be of the opinion that if we should adopt this amendment it could not be tested in the courts?

Mr. WALSH of Montana. I know of no way by which it could be. I am of the opinion that we could include a whole lot of other subjects and there would be no way of determining the question by reason of other provisions of the Constitution, among others, the provision, "Each House shall be the judge of the elections, the returns, and qualifications of its own Members."

Mr. BORAH. Exactly; but it occurs to me that if we should pass a law which would be distinctly in contravention of the Constitution there could be a way by which its validity could be tested.

Mr. WALSH of Montana. There might be, but I know of no way by which it could be tested, and, in my judgment, the power of the court could not be invoked. If a certain State were given a less representation than it would be entitled to have if the aliens within the State were counted, I do not know how there could possibly be obtained an adjudication by a court compelling the House of Representatives to permit another Representative from that State to sit in that body. My judgment is that it could not be done. However, Mr. President, that is a matter, as it seems to me, that ought never to be addressed to a body of this character. We are all sworn defenders of the Constitution of the United States; each of us has taken an oath before high heaven to uphold that document; every Member of this body, I am convinced, is desirous of observing that oath in its every implication, and it would be most unfortunate at this present juncture if the Congress of the United States should disregard the plain provision of the Constitution of the United States, so plain that there can scarcely be any doubt about the matter in the mind of the ordinary person, and considerably less doubt, in my judgment, in the mind of any man trained in the law.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Kentucky [Mr. SACKETT].

Mr. HAWES obtained the floor.

Mr. BLACK. Mr. President, will the Senator yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Alabama?

Mr. HAWES. I yield.

Mr. BLACK. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Deneen	Howell	Shortridge
Barkley	Dill	Johnson	Simmons
Bingham	Fess	Jones	Smith
Black	Fletcher	Kean	Stephens
Blaine	George	Kendrick	Swanson
Blease	Glass	La Follette	Thomas, Idaho
Borah	Glenn	McMaster	Thomas, Okla.
Bratton	Goff	McNary	Trammell
Brookhart	Greene	Norbeck	Tydings
Broussard	Hale	Norris	Vandenberg
Burton	Harris	Nye	Walcott
Capper	Harrison	Oddie	Walsh, Mont.
Caraway	Hastings	Overman	Waterman
Connally	Hatfield	Patterson	Watson
Copeland	Hawes	Pittman	Wheeler
Couzens	Hayden	Reed	
Cutting	Hebert	Sackett	
Dale	Heflin	Sheppard	

The PRESIDING OFFICER. Sixty-nine Senators having answered to their names, a quorum is present.

Mr. HAWES. Mr. President, I have followed with interest the discussion provoked by the amendment of the Senator from

Kentucky [Mr. SACKETT]. I had not intended to discuss it, but one point seems to become more and more apparent, and that is if we have in the United States some six or eight million visiting aliens, men and women who have not applied for citizenship to the United States, and who, therefore, are citizens of foreign countries, if we base our reapportionment on the presence of these six or eight million foreign visitors, we give to those visitors an unusual political prerogative.

If we go back to the time of the adoption of the Constitution we will find that there was a very limited suffrage in Europe, limited suffrage in England, limited suffrage in Germany and in France; but to-day the franchise has been given to almost all classes of European citizens, and it has now been extended to women. So the thought occurs to me, if there are six or eight million people in the United States, and our laws are to be governed by their presence, and they are counted as citizens in the countries of Europe, these six or eight million people have a greater power in one respect than a citizen of America or a citizen of Germany or a citizen of England.

There must be some line of demarcation. If a man leaves a ship at Ellis Island, goes to his hotel, and is enumerated as an inhabitant, we base our laws and our representation on the temporary visit of a citizen from a foreign land; and, at the same time, if that man returns to Europe he may vote in England, he may vote in Germany, he may vote in any of the countries from which he comes. His power to affect government should end with the government to which he belongs. Apportionment must be based on citizenship, and we are not to be disturbed in this country by the presence of visitors.

Mr. President, when the old forefathers fought out the question of the Constitution some 150 years ago, they naturally gave first thought and first consideration to the colonies. We are all aware of the fact that the great compromise in that convention was in regard to the representation of States, two Senators from each State; and although reapportionment in population is changed so that the State of New York to-day, if we considered representation alone, might have 22 Senators, and we find that five States have two Senators and only one Congressman, the forefathers at that time had in mind conditions that prevailed then. They had in mind, of course, the difficulty presented by the presence of the negro slave. It was a compromise. But the matter that appeals to me as this discussion advances is the unusual position—the peculiar position of power, if you please—that we give to six or eight million temporary visitors to the United States.

If the Sackett amendment is adopted, it will take nothing from these visitors. It will take nothing from the hospitable attitude of the American people, but it would give to these visitors a double power—the right to vote in their own countries and the right by their mere presence in this country for a temporary period to affect the laws of our country on the important matter of congressional representation.

I would not vote for a law that would in any way reflect upon these visitors from abroad. We hope that by studying American institutions, by imbibing some of our thought of liberty and of representation, they may decide to live here and file papers for naturalization. But mere passing visitors who may be enumerated, if we do not change the rule of 150 years ago, still maintain their political rights in all their foreign countries; and we are to determine the basis of our national representation simply because they happen to be casual visitors to our country.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Kentucky [Mr. SACKETT].

Mr. BLACK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Allen	Dale	Hayden	Reed
Barkley	Deneen	Hebert	Robinson, Ind.
Black	Dill	Heflin	Sheppard
Blaine	Edge	Howell	Simmons
Blease	Fess	Johnson	Smith
Borah	Fletcher	Jones	Stephens
Bratton	Frazier	Kean	Swanson
Brookhart	George	Kendrick	Thomas, Idaho
Broussard	Glass	King	Trammell
Burton	Glenn	La Follette	Vandenberg
Capper	Goff	Norbeck	Walsh, Mass.
Caraway	Greene	Norris	Walsh, Mont.
Connally	Harris	Nye	Warren
Copeland	Hastings	Overman	Waterman
Couzens	Hatfield	Patterson	Watson
Cutting	Hawes	Pittman	Wheeler

The PRESIDING OFFICER. Sixty-four Senators having answered to their names, a quorum is present.

CAUSE OF PELLAGRA

Mr. BLEASE. Mr. President, I have received a letter from a gentleman in my State who has been making an investigation of, and seems to be very much interested in, a disease called pellagra. I wish to read his letter, and ask that it be referred to the proper committee. I suppose it should go to the Committee on Commerce for their consideration and action, if they think that action is necessary:

MAY 22, 1929.

Hon. COLE L. BLEASE,
Washington, D. C.

DEAR SIR: Some time ago there was an investigating committee here and elsewhere, I presume, making an effort to find the cause of pellagra.

I have been checking up on that one condition or disease for six years, and I feel that I can safely say that I have never found a case that was not eating or had been eating self-rising flour. It seems to me that if a report was demanded from every physician and chiropractor as to the brand of flour his patient used it would be easily checked up on and condemned. Now, I am aware of the fact that this disease was said to be prevalent years ago before self-rising flour was known. It might have been a different form at that time, or that they in their food got into their systems the same ingredients that are contained in self-rising flour.

I have a mill clinic which I take care of in the evenings. In the last two days I have had five new cases, and found that each of them were eating self-rising flour. I have yet to find my first case among these same people who eat plain flour. Dorland's Dictionary has this to say: "Pellagra is found in southern and central parts of the United States." This showing again, as you already know, that it is a biscuit-eating section.

I made a fishing trip last summer 15 or 20 miles beyond Walhalla. There I found a family suffering with this disease and all the family eating self-rising flour. Occasionally I have a case come in to me from the farm and find that they, too, have been eating this same flour. Take your patient off it and he will improve; put him back on it and he immediately gets worse.

Rats will not eat it, yet our food inspectors have passed on it as complying with our pure food laws and leave it for the public to consume.

Due to repeated requests, I have told a number of people that I would make this appeal to you. I feel sure you will give this matter your prompt attention. Would appreciate a reply at your earliest convenience. My very best wishes to you, and beg to remain,

Yours very truly,

The Walhalla referred to is the county seat of Oconee County, just at the foot of the Blue Ridge Mountains, in the extreme northwestern section of South Carolina.

Mr. President, I know this gentleman; I do not care to reveal his name at this time, but I know he is a man who takes an interest in his fellow man, and I really think that the Committee on Commerce should look into this very important matter. This gentleman is not licensed as a practicing physician, but he is a better physician than a great many men who have licenses, just as in the case of some lawyers; we see a lot of people with signs hanging out who have been admitted to the bar, but never have been and never will be lawyers.

Mr. REED. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Pennsylvania?

Mr. REED. I thought the Senator had concluded.

Mr. BLEASE. No; I will not be through before 3.30 possibly. I say that to the Senator because I am going on with the discussion of the apportionment bill as soon as I can get this matter referred to the committee.

If it is true, as this man sets out, that the food inspectors are passing this dangerous flour through the country, somebody should take action, there should at least be some investigation into a matter of this character, and for that reason I ask that the letter be referred to the Committee on Commerce.

There being no objection, the letter was referred to the Committee on Commerce.

DECENNIAL CENSUS AND APPORTIONMENT OF REPRESENTATIVES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress, the pending question being on the amendment offered by the senior Senator from Kentucky [Mr. SACKETT].

Mr. BLEASE. Mr. President, I had a statement inserted in the RECORD on yesterday, which, of course, few Senators have had an opportunity, even if they desired to do so, to read. I think it is very important, touching the measure which we have before us now.

I want to say, in the beginning, that I have nothing against the alien, or the foreigner, as people call them. My grandfather came to this country from England, landed at Charleston, S. C., and went over into Edgefield County. So it has not been so many years since my family first came into this country. But I am an American above everything else. I would like to say that I am a South Carolinian above anything else. I expect possibly in some respects that would be the absolute truth; but still, I am an American. I put America above everything else.

I do not believe that it is right for us, under our present system of Government, to give aliens the same privileges we have as soon as they come over here. When a boy or girl is born in this country he or she has to live in America 21 years before becoming a voter. Not only do they have to live here 21 years, but there are certain things which they have to learn, there are certain examinations they have to pass. Yet when a foreigner comes here, before he can speak the English language, before he can understand even what is being said to him by any man born and reared in this country, he gets his naturalization papers, he goes to the ballot box, and he has as much right to say who should be President of these United States, and who shall represent him in Congress, or who shall fill the State offices, as the man born and reared here, who has lived here all his life, and owns property here. I do not think that is right.

I was told by a gentleman of high standing that in the congressional district in which he lives the people speak 57 different languages, and that a campaigner starting out in his race for Congress had to carry with him four or five interpreters in order that he could speak intelligently to the people in his district; and that district is over in Pennsylvania, not so very far from the Capital of the United States.

I do not know how far that condition reaches over this country. South Carolina has fewer aliens, or people of foreign population, than any other State in the American Union. I do not care to go into the strike situation in my State, but we did not have any trouble. As a matter of fact, a few men and women did go out on strike, but there was not an arrest made in the entire State, there was not even a case of drunkenness reported, there was not a particle of property, not even a piece of dirt, removed from where it was, and in just a few short days everybody went back to work and harmony prevails in our mills to-day. The reason is that we have not a foreign population to deal with. The people are home folks. I shall go into that when the question comes up in the Senate in its proper course. For these reasons South Carolina is not very much interested in this question from considerations which affect her, but she is interested very much in the other parts of this Nation.

I am not going to drag the negro question into this argument, but I am simply going to ask a question of the Congress: Is it fair and right to give to foreigners, aliens, a right and a privilege which is not given to the American negro? Notwithstanding the fact that he is black, is it right to turn him out in the street, put him in the bread line, sleep him in box cars or in alleys, wherever he may go, when a foreign population is being housed and fed and taken care of, a population which can neither read nor write the English language, and the members of which must have somebody standing over them even to give them orders to carry out the duties they are hired to perform? This question is bound to come up sooner or later. We can not get away from it by passing some piece of legislation. Nor can we get away from it by saying we are going to deprive this State or that State of representation.

This bill, as I understand it, would not affect my State at all, but if it did—and I think my colleague will join me in saying that our people take this position—if we are given a fair, square census all over the United States, and the yardstick is applied to every State in the Union just as it is applied to South Carolina, if it is made fair and square, if we shall gain we will thank you, if we shall lose a Representative we will have no complaint, if the census is taken fairly and squarely in the entire United States.

That is our position. We are not asking any mercy of anybody, and we are making no apologies for what we do. But we do think that the people of the entire country, born on American soil, educated in America, reared in America, who own property in America, who are taxed in America, should be given more right and more privilege than the man who has been over here for only six or eight months.

If Senators will look on pages 1711, 1712, and 1713 they will find the figures which come from the department, not from me—from Doctor Hill, I believe—and these figures show that the alien population of this country which can not vote has 33 Representatives in the House of Representatives. That is not right. No party can make it right, and no individual can make it right.

Yesterday I had put into the RECORD a statement from the Allied Patriotic Societies (Inc.), of New York City. The names signed to that communication are Hugh White Adams, Henry Pratt Fairchild, Bell Gurnee, Harry H. Laughlin, Alexander L. Ward, Dwight Braman, and Francis H. Kinnicutt.

They sent out a table which I think should be interesting to all the people of this country. That is why I requested that it be put in the RECORD. It is as follows:

American population as of 1920	
Derived from—	
Austria	843,051
Belgium	778,328
Czechoslovakia	1,715,128
France	1,841,689
Germany	15,488,615
Great Britain and Northern Ireland	39,216,333
Irish Free State	10,653,334
Italy	3,462,271
Netherlands	1,881,359
Norway	1,418,592
Poland	3,892,796
Russia, European and Asiatic	1,660,954
Sweden	1,977,234
Switzerland	1,018,706
Total from all quota countries	89,506,558

Mr. President, that is a pretty good-sized population, it seems to me, to which to give representation in the Congress under any census. If I had to write a census bill, and could have it passed, I would have the census taken, and I would require more than simply the name of the man at the head of the household; and I think an amendment to this effect ought to be put on this bill, although I do not care to offer it. When a man's name is taken, his father's and mother's names should be taken and the race to which he and they belong, in order that we could tell not only now but in the years to come, who his father and mother were and whence they came and their nationality. Then I would make a record of his country, whether he was native, naturalized, foreign born, or what; and then I would fix it so the representation in the Congress should be made upon the actual voting population of the country. Those are the only people entitled to representation here if I see it right. If a majority do not register and vote, it is their fault. If there are 10 men living in a town and there is an election there and only 3 of them vote, 2 for one man and 1 for another man, the 7 who stayed at home have not any right to complain.

They could have gone to the polls and voted also, and possibly elected another man or perhaps the same man would have been elected, but when a man who has a right to vote stays away from the polls and does not take any part in the election, he has no right to complain of the result.

Mr. HEFLIN. Mr. President—

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Alabama?

Mr. BLEASE. I yield.

Mr. HEFLIN. If the Senator will permit me, there is another very important phase of the subject that I think should be brought to his attention and to the attention of the Senate just at this point. Arthur Brisbane, I think last year, said at least a million people were being smuggled into the United States every year. We have between 6,000,000 and 7,000,000 aliens here, and it may be that half of them, or more than half of them, were smuggled into the country, and therefore have come here without the consent of the American people. They are not legally or properly here, and they have no right whatever to be counted in our population and Members of Congress sent here based upon such a population.

Mr. BLEASE. I thank the Senator for his suggestion.

Mr. BLACK. And may I state that there are 14,500,000 foreign born in the United States to-day. That is what the statistics show.

Mr. BLEASE. I have been trying, as a member of the Committee on Immigration, to help remedy the very matter the senior Senator from Alabama has brought out. I was surprised that the Senate did not pass the bill. There are certain farmers in some of the States of the Union who go across into Mexico every year and bring across the line into the United States hundreds and possibly thousands of Mexicans, who work putting in their crops, because they can get that labor for practically nothing, because it is very cheap and very convenient. The Mexicans are brought over into the States to plant the crops, and when those farmers get ready to gather the crops they are brought back again. Those farmers will claim, and it will be shown by the figures given before the committee, that those Mexicans go back to Mexico. But that is not correct.

Some of them go back, but there are hundreds of them who stay in the United States, and are here to-day who have never been

permitted to come here in a proper way and would not have been allowed to stay here if our laws had been properly enforced.

But if we suggest to those gentlemen a plan to let each farmer in that section who wants so many hands be responsible, then it is a different matter. If, for instance, Mr. A writes to the Immigration Bureau "I want to bring over here from Mexico 100 or 500 men," then let that man be responsible for the same number returning. Let him bring them in and make the crop and gather the crop, but when they are through with that work let that same man, Mr. A, be responsible for everyone of them going back. When that suggestion was made they spurned the idea. They said, "No; we can get them," and we who are not in favor of that system can not help ourselves, because they have the power to keep Congress from passing any law to remedy that situation and those conditions.

As the senior Senator from Alabama [Mr. HEFLIN] well said, it is not only Mexicans. The present Secretary of Labor has been doing everything in his power to remedy that situation. He is one member of the Cabinet who was not reappointed; he is just a holdover because of the fact that he was appointed by a man who selected a Cabinet and not a lot of "me toos," a man who needed a Cabinet with brains in it, so he held on to our old friends Andy Mellon and Jim Davis.

Mr. Davis has been doing all he can to remedy the situation to which I have referred. He recommended the enactment of two certain laws. The Senate passed both of the bills and they were sent to the House of Representatives, where one of them was never passed on at all, but is still there, and the other one was mutilated and cut all to pieces, and finally came back to the Senate with some amendments, which my distinguished friend from California [Mr. JOHNSON] permitted to go through, notwithstanding the fact that he knew there were amendments in it that were not right and that were absolutely unfair.

If we are to remedy that situation it must be done by means of the census. For the benefit of those who have not taken the time to look into the figures sent here by the department, I would like to call their attention to just a few statistics.

Here is the estimated population for January 31, 1930, as they expect it to be. Total population in Maine, 768,000; native born, 600,200; naturalized, 42,768; not naturalized, 65,000. In the little State of Maine there are 65,000 people not naturalized who will receive representation in the Congress. Native population, 638,346; negro population, 1,310. One of those negroes is a preacher from my town. I was in Portland, Me., one day and felt certain that I had got into one town where I did not know anybody and where nobody would know me. Mrs. Blease and I were walking along and I heard somebody walking rapidly behind me. I looked back and it was a tall slender colored boy, whom I had known from the time he was a little boy in my home town. I said, "What are you doing up here?" He said, "I am preaching." "Preaching? I did not know you had darbies enough up here to have a church." He said, "No, sir, Mr. BLEASE; I got a mixed congregation." He was preaching over there trying to help convert some of the white people to white supremacy and some of the negroes to God. [Laughter.]

New Hampshire, 443,000 estimated; native population, 351,686; naturalized, 38,147; not naturalized, 52,250. I shall only read the natural and not naturalized populations now.

Vermont, 21,086 naturalized; 23,472 not naturalized.

Massachusetts, 459,321 naturalized; 629,227 not naturalized.

Rhode Island, 82,276 naturalized; 92,913 not naturalized.

Connecticut, 144,805 naturalized; 233,634 not naturalized.

I could read on through the various States, but I do not care to take the time of the Senate. But anyone who has not studied the question and who would look into these figures to get exactly what the native-born population and the foreign-born population is of each State in the Union and how many of them have been and have not been naturalized would be astonished.

I ask the question in all fairness, Why should the man who is not born in this country and who has never been naturalized as an American citizen—I do not say a voter, but a citizen—have the same right to representation here as the man who is born here, reared here, and votes here?

The VICE PRESIDENT. The Senator's time on the amendment has expired. He has 30 minutes on the bill.

Mr. BLEASE. I will reserve that until a later time.

Mr. BLACK. Mr. President, I suggest the absence of a quorum.

Mr. JOHNSON. Mr. President, a point of order.

The VICE PRESIDENT. The Senator from California will state the point of order.

Mr. JOHNSON. The suggestion of the absence of a quorum is not in order, because no business has been transacted since the last call.

The VICE PRESIDENT. The Chair will have to overrule the point of order. The Senator from South Carolina [Mr. BLEASE] presented a letter in the nature of a memorial and asked that it be referred to a committee. There was no objection, and the memorial was referred to the Committee on Commerce. That, in the opinion of the Chair, constituted business. The clerk will call the roll.

Mr. JOHNSON. There was no reference of any memorial.

The VICE PRESIDENT. The Senator from South Carolina read the letter and asked that it be sent to the Committee on Commerce. It was sent to the desk, and, under the rule, such a matter goes to the proper committee, unless there is objection made. There was no objection made. The clerk will call the roll.

The legislative clerk proceeded to call the roll, when

Mr. WATSON. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Indiana will state his parliamentary inquiry.

Mr. WATSON. Is there anything before the Senate now except the completion of the roll call?

The VICE PRESIDENT. There can be nothing else before the Senate, except by unanimous consent.

Mr. WATSON. Then, I ask unanimous consent at this point that the Senate take a recess until Monday next at 12 o'clock noon.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

RECESS

Thereupon (at 3 o'clock and 20 minutes p. m.) the Senate took a recess until Monday, May 27, 1929, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

SATURDAY, May 25, 1929

The House met at 12 o'clock noon.

The Rev. Hugh T. Stevenson, pastor of the Bethany Baptist Church, Washington, D. C., offered the following prayer:

Almighty God, our Father, we draw near to Thee this morning to thank Thee for the blessings that Thou hast given us, for Thy watchful care and protection in the night. We rejoice in the privilege of another day of service. We ask that Thou give unto us the leadership of the Holy Spirit, so that we may glorify Thee in our work here, and we ask Thy blessing to rest upon all connected with our country. Grant that in the lines of promoting peace and good will among all people we may follow Thy leadership. We ask Thee to help us to do Thy will and perform the tasks that Thou hast assigned to us to-day. Aid us with Thy strength. For Thy glory we ask it. Amen.

The Journal of the proceedings of yesterday was read and approved.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 616. An act to authorize the Secretary of War to lend War Department equipment for use at the world jamboree of the Boy Scouts of America.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and under the rule referred as follows:

S. 101. An act to provide for producers and others the benefit of official tests to determine protein in wheat for use in merchandising the same to the best advantage, and for acquiring and disseminating information relative to protein in wheat, and for other purposes; to the Committee on Agriculture.

THEA JOHANNA NELSON

Mr. UNDERHILL. Mr. Speaker, I present a privileged resolution from the Committee on Accounts for immediate action.

The SPEAKER. The gentleman from Massachusetts offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 41

Resolved, That there shall be paid, out of the contingent fund of the House, to Thea Johanna Nelson, mother of Robert M. Nelson, deceased, late clerk to Hon. JOHN M. NELSON, an amount equal to six months' salary.

The SPEAKER. Under the order of the House that the tariff bill shall be the continuing business, the Chair doubts whether

this resolution is privileged. The Chair will therefore ask, Is there objection to present consideration of the resolution?

There was no objection.

The resolution was agreed to.

SPEECH OF J. W. POLE, COMPTROLLER OF CURRENCY

Mr. WILLIAMS of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a copy of a speech delivered by the Comptroller of the Currency before the Maryland Bankers' Association at Atlantic City on May 23, 1929.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The speech is as follows:

BANKING AND THE NEW FINANCIAL ERA

I. THE NEED FOR A NATIONAL BANKING SYSTEM

There are two fundamental reasons why a system of national banks is essential to the public welfare. First, commerce between the States is vested with a national interest, and in order that it may be financed in an orderly manner it is necessary that there be a uniform system of commercial banking with a common standard under the direction and supervision of the Federal Government. Second, and more important than the first, it is necessary for the Government of the United States to possess a governmental instrumentality of finance in the form of a system of national banks in order that it may, through them in times of stress, be able to enforce a national financial policy. Our own financial history has conclusively demonstrated that the Federal Government can not rely upon the voluntary cooperation of the State banks and trust companies for the execution of a national policy. It may be instructive to pass some of this history briefly in review.

At the very beginning of our national life the woeful failure of the Continental Congress to finance the War of the Revolution was due in no small part to the lack of an instrumentality in the form of a national bank. The First Bank of the United States was an outgrowth of this experience.

The First Bank of the United States was opened at Philadelphia December 12, 1791, and its charter limited to 20 years. It later established branches at Boston, New York, Baltimore, Washington, Norfolk, Charleston, Savannah, and New Orleans and served as an instrumentality of the Federal Government. Through it loans were made to the Government in anticipation of taxes; it acted as custodian of Government funds, in the collection of the revenues, in the transmission of public moneys, and otherwise strengthened and improved the public credit.

As early as 1808 it was recommended to Congress that the charter be renewed. Later, as it became increasingly evident that war was imminent with Great Britain, Gallatin, then Secretary of the Treasury, urged upon Congress the necessity of the renewal of the charter in order to safeguard the interests of the Government. Strong opposition developed to the renewal of the charter, and in 1811 the bill for renewal was finally lost. The Government thus entered the war the following year without any banking instrumentality under its control.

There were in 1811, 88 local State-chartered banks with a combined capital of nearly \$43,000,000. The failure to charter the Bank of the United States, or set up some similar Federal instrumentality in its place, caused enormous losses to the Government during the war period of 1812 to 1816 in flotation of its loans. The Government was not able to secure the cooperation of any of the State banks. The Treasury received only \$34,000,000 in specie for \$80,000,000 of Government obligations put out. In other words, they paid about 135 per cent for the money to finance the war and the State banks profited at the expense of the public.

In 1816, as a result of this bitter lesson, Congress chartered the Second Bank of the United States. With the veto of the recharter bill for the Second Bank of the United States on July 10, 1832, by President Jackson, the Government was again deprived of a fiscal instrumentality. In 1841 a bill passed both Houses of Congress for the incorporation of a new bank of the United States, but was vetoed by President Tyler. During the 30-year period preceding the Civil War, the Federal Government operated without any fiscal instrumentality other than the Independent Treasury system.

At the outbreak of the Civil War in 1861 Secretary Chase foresaw the need for a national banking system to support the public credit. At this time there were more than 1,600 State banks in the country. No action was had in that year by Congress, and in 1862 Chase again presented his plan in detail for a system of national banks and urged its adoption. After the outbreak of the war the circulating currency of the State banks rapidly increased with the result of great depreciation in value and loss of public confidence. In the following year (1863) the national bank act was passed, but only a handful of new banks were incorporated.

In 1864 the national bank act was reenacted whereby many of its provisions were improved and the State banks were by a special amendment invited to become national banks.